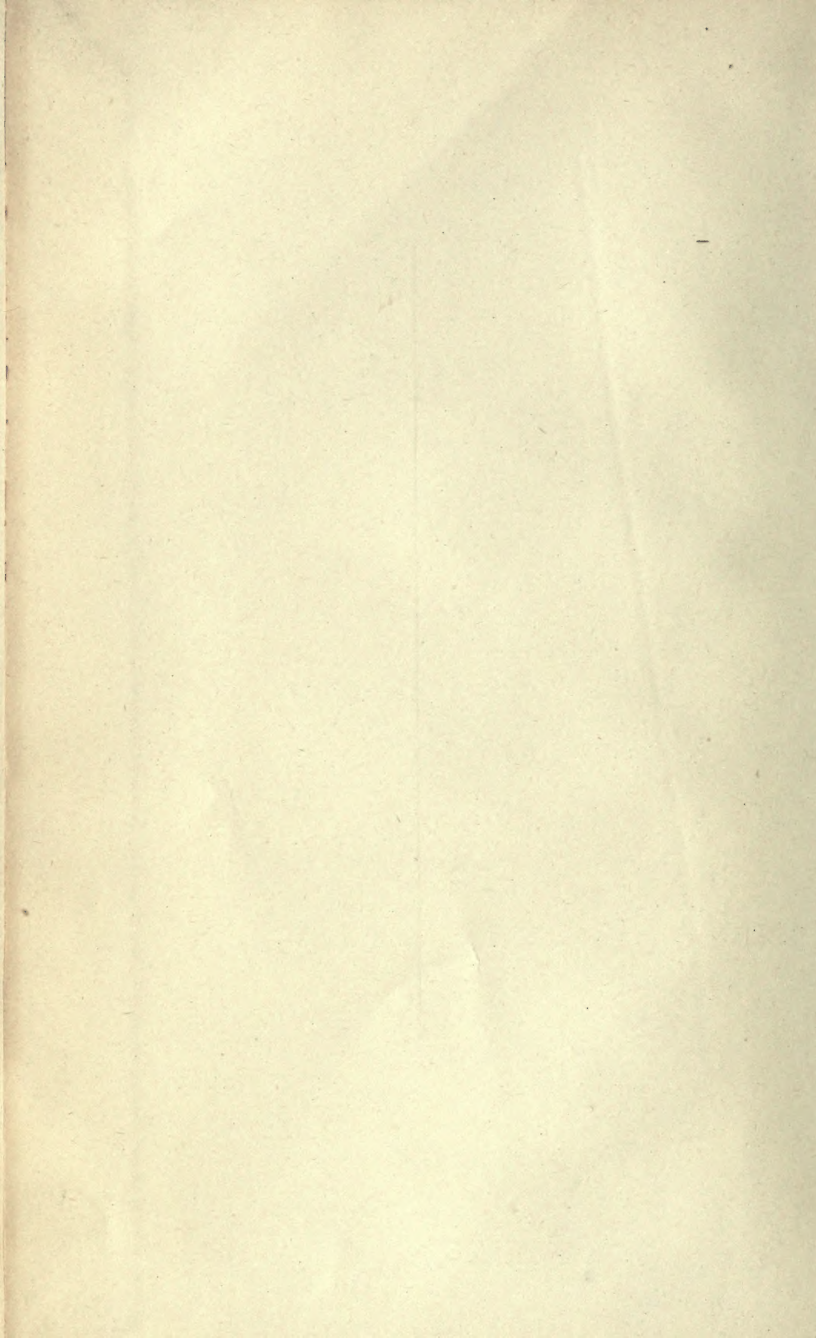




Digitized by the Internet Archive
in 2008 with funding from
Microsoft Corporation





New Orleans, Louisiana, etc.
FLYNN'S DIGEST

OF THE

CITY ORDINANCES

TOGETHER WITH THE

CONSTITUTIONAL PROVISIONS, ACTS OF THE GENERAL ASSEMBLY,
AND DECISIONS OF THE COURTS RELATIVE
TO THE GOVERNMENT

OF THE

CITY OF NEW ORLEANS



PUBLISHED BY AUTHORITY OF THE CITY COUNCIL.

COMPILED BY J. Q. FLYNN.

NEW ORLEANS

1896

80 2111
207-211

JS 1200
.A9

PRINTED AND BOUND BY
L. GRAHAM & SON, LTD.
207-211 BARONNE STREET,
NEW ORLEANS.

82050

THE LAWS AND ORDINANCES

OF THE

CITY OF NEW ORLEANS

FROM THE

CONSOLIDATION OF THE MUNICIPALITIES IN 1852

TO THE 1ST OF JANUARY, 1896.

CONTENTS.

	PAGE.
PREFACE	vii
AUTHORIZATION AND ADOPTION BY CITY COUNCIL.....	ix
CITY CHARTER OF 1896.....	xi to lxxv
INDEX TO CITY CHARTER OF 1896.....	lxvi to lxxii
CITY CHARTER OF 1882.....	1 to 66
ORDINANCES, PRIVILEGES, FRANCHISES AND JUDICIAL DECISIONS BEARING ON SAME.....	67 to 1244
INDEX TO CITY CHARTER OF 1882.....	1245 to 1249
GENERAL INDEX.....	1250 to 1344

PREFACE.

The following Digest of Ordinances of the city of New Orleans has been prepared in pursuance of a resolution of the City Council.

Having been employed by the Mayor, under this resolution, the compiler at once entered upon the labor of reducing the copious and incoherent mass of legislation of the past twenty-six years, to a systematic and convenient form.

The difficulties to be contended against were considerable. The only compilations of these laws since 1870 were the digests of Mr. Jewell, published in 1882 and 1887. These digests were open to many objections, the principal being their complex method and too general classifications. The effort in the present work has been to assort and class all ordinances of like character under one head, and to be as specific in these classifications as the nature of the work permits. Repetition has been avoided where possible.

The extent and difficulty of the undertaking may be better understood when it is considered that nearly twenty thousand ordinances have been examined and collated.

Regarding the acts of the Legislature and decisions of the Supreme Court, care has been taken to avoid a useless and unnecessary accumulation of data and authorities, which would serve little other purpose than to perplex and embarrass. Those acts and decisions only which have a direct bearing on the affairs of the city and are necessary to a proper understanding of the different ordinances, have been briefly quoted, and in many instances referred to simply by title.

The new city charter just adopted by the Legislature will be found in the following pages; while, strictly speaking, not within the original scope of this compila-

tion, it is so important as to require its publication herein.

To Hon. John Fitzpatrick, under whose able and progressive administration the material interests of this city have developed and prospered, the compiler desires to acknowledge his indebtedness for valuable advice and assistance that materially lessened the labor of this undertaking. To Mr. Clark Steen, the able and efficient secretary of the Mayor, he is obliged for many practical suggestions; through whose untiring zeal and comprehensive knowledge of the city's affairs much valuable information has been secured. Also to Messrs. Thomas Campbell, the obliging clerk of the Council, and James Doran, of the Mayor's department.

To the present executive of the city, Hon. Walter C. Flower; his efficient and obliging secretary, Col. T. H. Thorpe, and Mr. A. Brittin, chairman of the Finance Committee, the compiler is indebted for kind and courteous attentions and numerous facilities which have enabled him to complete his arduous undertaking.

THE EDITOR AND COMPILER

July, 1896.

**OFFICIAL AUTHORIZATION AND ADOPTION
OF DIGEST.**

MAYORALTY OF NEW ORLEANS, }
CITY HALL, May 22, 1895. }

NO. 10,758, COUNCIL SERIES.

BE IT ORDAINED, That the Mayor of the city be and he is hereby authorized and directed to employ a competent person or persons, whose duty it shall be to make and prepare a careful compilation of the ordinances of the city of New Orleans up to date, and to properly digest and index same, and he shall, also, compile all laws of the State, and decisions of the Supreme Court of the State affecting said ordinances of the city of New Orleans.

Adopted by the Council of the city of New Orleans, May 21, 1895.

DAN A. ROSE,
Clerk of Council.

Approved, May 22, 1895.

A true copy:

CLARK STEEN,
Secretary to the Mayor.

JOHN FITZPATRICK,
Mayor.

MAYORALTY OF NEW ORLEANS, }
CITY HALL, March 13, 1896. }

NO. 12,026, COUNCIL SERIES—AN ORDINANCE ADOPTING THE DIGEST OF CITY ORDINANCES, ETC., PREPARED UNDER THE PROVISIONS OF ORDINANCE NO. 10,758, C. S.

BE IT ORDAINED, That the digest of ordinances prepared under the provisions of Ordinance No. 10,758, C. S., being a compilation of all ordinances adopted by the Council of the city of New Orleans to the 1st day of January, 1896, be and the same are hereby approved and adopted and shall be of binding force and obligations, subject, however, to such amendments as may have been adopted since the 1st of January, 1896, or that may hereafter be adopted by the Council of the city of New Orleans.

Adopted by the Council of the city of New Orleans, March 10, 1896.

DAN A. ROSE,
Clerk of Council.

Approved March 13, 1896.

A true copy:

CLARK STEEN,
Secretary to the Mayor.

JOHN FITZPATRICK,
Mayor.

CITY CHARTER OF 1896.

AN ACT

To incorporate the city of New Orleans, provide for the government and administration of the affairs thereof; and to repeal all acts inconsistent or in conflict therewith.

Due notice having been given in accordance with Art. 48 of the Constitution, and evidence thereof submitted to the General Assembly:

Re it enacted by the General Assembly of the State of Louisiana;

1.—CITY LIMITS.

SECTION 1. That all inhabitants of the parish of Or-
leans, as now bounded by the following boundaries:
The Mississippi river from the lower line of the United
States Barracks to Upperline street, upper side of Car-
rollton and along the centre of Upperline street to Upper-
line Canal, and thence along the centre of Upperline Canal
to Lake Pontchartrain, and thence along the shore of Lake
Pontchartrain to the Rigolets, and thence along the
Rigolets to Lake Borgne, to Fisherman's Canal, and
thence along Fisherman's Canal to the line of the south
side of Florida Walk, and thence along said line of
Florida Walk to the lower line of the United States Bar-
racks, and thence along the line of the United States
Barracks to the Mississippi river, the point of depart-
ure; and the Fifth District of the city of New Orleans,
situated on the right bank of the Mississippi river, and
bounded by a line established by the State Engineers,
beginning at a point near the river bank, opposite Ptol-
emy street, thence running as follows, viz.:

South, 42 deg. 30 min.; east, 4 miles and about 1080
feet; south, 3 deg. 10 min.; west, about 620 feet.

Thence along the back line of properties south 57 deg.
east, 2143 feet 4½ inches.

North 2 deg. 45 min.; east, 1910 feet 7 inches.

South, 53 deg. 30 min.; east, 5162 feet 2 inches.

North, 6 deg. 15 min.; east, 4932 feet 7 inches to
township line one mile 138 feet 9¾ inches.

South, 76 deg.; east, 311 feet 4½ inches to township
line 445 feet 10 inches.

South, 72 deg.; east, 947 feet 9½ inches.

South, 65 deg. ; 30 min. ; east, 955 feet to range line 1337 feet 8 inches.

South, 83 $\frac{1}{2}$ deg. ; east, 860 feet 6 inches.

North, 61 deg. 7 min. ; east, 524 feet 7 inches to range line 1366 feet 6 inches.

South, 81 deg. 15 min. ; east, 2368 feet 6 inches to range line 4383 feet 2 inches.

South, 61 deg. 53 min. ; east, 1 $\frac{1}{2}$ miles and about 2770 feet 2 inches.

South, 31 deg. 35 min., east, 1 $\frac{1}{2}$ miles and 2163 feet to line of Jeanne Lassales, and thence up the Mississippi river to the point of departure.

City of New Orleans.

Are hereby created a body corporate and established as a political corporation by the name of "The City of New Orleans," with the following powers and no more :

It shall have a seal, and may sue and be sued, and may acquire property by all lawful means, and hold and dispose of same.

II.—WARDS AND MUNICIPAL DISTRICTS.

First Representative District.
First Ward.

SEC. 2. Said city shall be divided into the following wards and municipal districts, to-wit: First Ward, First Representative District, bounded as follows, viz. : From the Mississippi river along the centre of Thalia street to the intersection of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Felicity road to the Mississippi river, and thence along the Mississippi river to the point of departure.

Second Representative District.
Second Ward.

Second Ward, Second Representative District, bounded as follows, viz. : From the Mississippi river along the centre of Julia street to the New Canal, and thence along the centre of New Canal to Carrollton avenue, and thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to the centre of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Thalia street, and thence along the centre of Thalia street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Third Representative District.
Third Ward.

Third Ward, Third Representative District, bounded as follows, viz. : From the Mississippi river along the

centre of Canal street to the old Metairie Road, thence along the centre of the old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Rampart street, and thence along the centre of Rampart street to the centre of Julia street, and thence along the centre of Julia street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Fourth Ward, Fourth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Canal street to the Old Metairie Road, thence along the centre of the Old Metairie Road to New Canal, thence along the centre of New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to Orleans Canal, thence along the centre of Orleans Canal to the Old Metairie Road, thence along the centre of Old Metairie Road to St. Louis street, thence along the centre of St. Louis street to the Mississippi river, thence to the point of departure.

Fourth Representative District.

Fourth Ward.

Fifth Ward, Fifth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of St. Louis street to the Old Metairie Road, thence along the centre of Old Metairie Road to the centre of Orleans Canal, thence along the centre of said canal to Lake Pontchartrain, thence along Lake Shore to Bayou St. John, thence along the centre of Bayou St. John to St. Philip street, thence along the centre of St. Philip street to the Mississippi river, thence to the point of departure.

Fifth Representative District.

Fifth Ward.

Sixth Ward, Sixth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of St. Philip street, to Bayou St. John, thence along the centre of Bayou St. John to Esplanade street, thence along the centre of Esplanade street to the Mississippi river, thence to the point of departure.

Sixth Representative District.

Sixth Ward.

Seventh Ward, Seventh Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street, to Bayou St. John, and thence along the centre of Bayou St. John and cut off to Lake Pontchartrain, and thence along Lake Pontchartrain to Elysian Fields street, and thence along

Seventh Representative District.

Seventh Ward.

the centre of Elysian Fields street to the point of departure.

Eighth Representative District.
Eighth Ward.

Eighth Ward, Eighth Representative District, bounded as follows, viz: From the Mississippi river along the centre of Elysian Fields street to Lake Pontchartrain, and thence along Lake Pontchartrain to People's avenue, and thence along the centre of People's avenue to Lafayette avenue, and thence along the centre of Lafayette avenue to the Mississippi river, and thence along the Mississippi river to the point of departure.

Ninth Representative District.
Ninth Ward.

Ninth Ward, Ninth Representative District, bounded as follows, viz: From the Mississippi river along the centre of Lafayette avenue to the centre of People's avenue, and thence along the centre of People's avenue to Lake Pontchartrain, and thence along Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fishermen's Canal, and thence along the Fisherman's Canal to the line of the south side of Florida walk, and thence along said line of Florida walk to the lower line of the United States Barracks, and thence along the lower line of the United States Barracks to the Mississippi river, and thence along the Mississippi river to the point of departure.

Tenth Representative District.
Tenth Ward.

Tenth Ward, Tenth Representative District, bounded as follows, viz.: From the Mississippi river along the centre of Felicity road to the Melpomene Canal, and thence along the centre of the Melpomene Canal to its intersection with First street, and thence along the centre of First street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Eleventh Representative District.
Eleventh Ward.

Eleventh Ward, Eleventh Representative District, bounded as follows, viz.: From the Mississippi river along the centre of First street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Toledano street, and thence along the centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Twelfth Ward, Twelfth Representative District,

bounded as follows, viz: From the Mississippi river along the centre of Toledano street to Broad street, thence along the centre of Broad street to Napoleon avenue, and thence along the centre of Napoleon avenue to the Mississippi river, and thence along the Mississippi river to the point of departure.

Twelfth Representative District.
Twelfth Ward.

Thirteenth and Fourteenth Wards, Thirteenth Representative District, bounded as follows, viz:

Thirteenth Representative District.

Thirteenth Ward, from the Mississippi river along the centre of Napoleon avenue to Broad street, thence along the centre of Broad street to Peters avenue, thence along the centre of Peters avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Thirteenth

and

Fourteenth Ward, from the Mississippi river along the centre of Peters avenue to Broad street, and thence along the centre of Broad street to Toledano street, and thence along the centre of Toledano street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Lowerline street, and thence along the centre of Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure.

Fourteenth Wards.

Sixteenth and Seventeenth Wards, Fourteenth Representative District, bounded as follows:

Fourteenth Representative District.

Sixteenth Ward, from the Mississippi river along the centre of Lowerline street to the Melpomene tail-race, and thence along the centre of Melpomene tail-race to Carrollton avenue, thence along the centre of Carrollton avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Sixteenth

and

Seventeenth Ward, from the Mississippi river along the centre of Carrollton avenue to New Canal, thence along the centre of the New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to the Upperline Canal, thence along the centre of Upperline Canal and Upperline street to Mississippi river, thence along the Mississippi river to the point of departure.

Seventeenth Wards.

Fifteenth Ward, Fifteenth Representative District, bounded as follows, viz.: All that territory situated on

Fifteenth Representative District.

the right bank of the Mississippi river and bounded by a line established by the State Engineer, beginning at a point near the river bank, opposite Ptolemy street, thence running as follows, viz.:

Fifteenth Ward South 42 deg., 30 min., east 4 miles and about 1080 feet.

South 3 deg., 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 feet 4 inches.

North 2 deg., 45 min., east 1910 feet 7 inches.

South 53 deg., 30 min., east 5162 feet 2 inches.

North 6 deg., 15 min., east 4932 feet 7 inches to township line 1 mile 138 feet 9¼ in.

South 76 deg., east 311½ inches to township line 445 feet 10 inches.

South 72 deg., east 947 feet 9½ inches.

South 65 deg., 30 minutes, east 955 feet to range line 1337 feet 8 inches.

South 83⅓ deg., east 860 feet 6 inches.

North 61 deg., 7 minutes, east 524 feet 7 inches to range line 1366 feet 6 inches.

South 81 deg., 15 minutes, east 2368 feet 6 inches to range line 4383 feet 7 inches.

South 61 deg., 53 minutes, east 1½ miles and 277 feet 2 inches.

South 31 deg., 35 minutes, east 1½ miles and 2163 feet lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure.

Council.
First Municipal District
to elect four
Councilmen.

First Municipal District, bounded as follows, viz.: From the Mississippi river, along the centre of Canal street, to the Old Metairie Road, and thence along the centre of the Old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Carrollton avenue, thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to its junction with Toledano street, and thence along the centre of Toledano street until it intersects the centre of Felicity Road at Claiborne street, and thence along the centre of Felicity Road to the Mis-

Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to four Councilmen, one of which shall be elected from the district at large, and one from each of the three wards comprising said district.

Manner of Selection.

Second Municipal District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and Cut-off to Lake Pontchartrain, and thence along Lake Pontchartrain to the centre of New Canal, and thence along the centre of the New Canal to the centre of the old Metairie Road, and thence along the centre of the old Metairie Road to the centre of Canal street, and thence along the centre of Canal street to the Mississippi river, and thence along Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district.

Second Municipal District to elect three Councilmen.

Manner of Selection.

Third Municipal District, bounded as follows, viz.: From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and Cut-off to Lake Pontchartrain, and thence along the shore of Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fisherman's Canal, and thence along the Fisherman's Canal to the line of the South Side of Florida Walk, and thence along said line of Florida Walk to the lower line of the United States Barracks, and thence along the line of the United States Barracks to the Mississippi river, and thence along the line of the Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district.

Third Municipal District to elect three Councilmen.

Manner of Selection.

Fourth Municipal District, bounded as follows, to-wit: From the Mississippi river, along the centre of Felicity Road, until it strikes the Melpomene Canal, to Claiborne street, thence along the centre of Melpomene Canal to the intersection of Toledano street, and thence

Fourth Municipal District to elect three Councilmen.

along centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to three Councilmen, to be elected one from each of the wards comprising the district, and one from the district at large.

Manner of
Selection.

Fifth Municip-
pal District
to elect one
Councilman.

Fifth Municipal District, bounded as follows, viz.: The fifth Municipal District of the city of New Orleans is situated on the right bank of the Mississippi river, and is bounded by a line established by the State Engineer, beginning at a point near the river bank, opposite Ptolemy street, and thence running as follows, to-wit:

South 42 deg. 30 min., east 4 miles and about 1080 feet, south 3 deg. 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 feet 4 inches.

North 2 deg. 45 min., east 1910 feet 7 inches.

South 53 deg. 30 min., east 5162 feet 2 inches.

North 6 deg. 15 min., east 4932 feet 7 inches to township line, 1 mile 138 feet $9\frac{1}{4}$ inches.

South 76 deg., east 311 feet $4\frac{1}{2}$ inches to township line, 445 feet 10 inches.

South 72 deg., east 947 feet $9\frac{1}{2}$ inches.

South 63 deg. 30 min., east 955 feet to range line 1337 feet 8 inches.

South $83\frac{1}{2}$ deg., east 860 feet 6 inches.

North 81 deg. 7 min., east 524 feet 7 inches to range line 1366 feet 6 inches.

South 81 deg. 15 min., east 2368 feet 6 inches to range line 4383 feet 7 inches.

South 61 deg. 53 min., east $1\frac{1}{2}$ miles and 277 feet 2 inches.

South 31 deg. 35 min., east $1\frac{1}{2}$ miles and 2163 feet to lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure, shall be entitled to one Councilman.

Sixth Municip-
pal District
to elect two
Councilmen.

Sixth Municipal District, bounded as follows, viz.: From the Mississippi river, and thence along the centre of Toledano street until it strikes the Melpomene Canal Tail-race, and thence along the centre of Melpomene

Canal until it strikes Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to two Councilmen.

Seventh Municipal District, bounded as follows, viz. : Seventh Municipal District to elect one Councilman.
 From the Mississippi river along the centre of Lowerline street until it intersects the Melpomene Tail-race, and thence along the centre of Melpomene Tail-race to Carrollton avenue, and thence along the centre of Carrollton avenue to the centre of New Canal, and thence along the centre of New Canal to Lake Pontchartrain, and thence along Lake Pontchartrain to the Upperline Canal, and thence along the centre of Upperline Canal to Upperline street, and thence along the centre of Upperline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall be entitled to one Councilman.

III.—ELECTIONS.

SEC. 3. The election of officers provided for in this act shall be in pursuance of the general election laws now or hereafter existing, unless the Legislature by special act provides otherwise, in which case said elections shall be in pursuance of such special laws. Said officers shall be chosen by a plurality of the votes cast at the municipal election, and shall hold office for four years from date of election, and serve until their successors are duly elected and qualified. Election of Officers.

SEC. 4. All legally registered voters entitled to vote for State officers shall be entitled to vote for city officers, and all elections for city officers shall be by ballot. Term of Officers.

SEC. 5. The commissioners of election shall make returns in the manner provided by the election laws of the votes cast at each precinct or polling place for city officers. The persons appearing by the returns of the commissioners of elections at the polls to have been *prima facie* elected shall assemble at the City Hall at 12 o'clock M. on the Monday next after the election. The Mayor or president of the preceding Council, shall cause the returns to be added up in the presence of any and all persons who choose to be present in the room where the Election returns.
To organize.
Mayor or president of preceding council to preside and administer oath to persons *prima facie* elected.

Council assemble, and he shall make or cause to be made by the clerk a roll of all the newly-elected Councilmen, without excluding any who are *prima facie* elected, and shall preside until a new president is chosen, and shall administer to such persons the oath of office. As soon as the new Council is organized and a president elected, it shall immediately proceed to compile the votes for Mayor and other city officers elected at the same time, and proclaim the result of the popular vote. The Council shall be incompetent to proceed to any other business, except the election of president, as hereinabove provided, until this shall be done. The president so elected shall at once proceed to administer the oath of office to the Mayor and other officers, and no commission from the Governor, or other title shall be necessary.

New council to compile votes for Mayor and other city officers.

Contested elections.

SEC. 6. The election of city officers, except Councilmen, may be contested in the same manner as is now or may be hereafter provided for contesting the election of parochial officers.

Oath of office.

SEC. 7. The Mayor and other officers elected or appointed by virtue of this act shall, before they enter upon the duties of their offices, take and subscribe to the oath prescribed by Art. 149 of the Constitution, and also the further oath that they possess the qualifications for their respective offices prescribed by this act.

Mayor or other officer to hold over.

SEC. 8. If at any time the election of the Mayor or other officer of this corporation shall be annulled or set aside for any cause whatsoever, the incumbent of the office shall nevertheless continue to fulfil its duties until a successor shall have been duly elected or appointed and qualified as required by law.

IV.—LEGISLATIVE DEPARTMENT.

Councilmen, how elected, and qualifications necessary.

SEC. 9. The legislative power of said coporation shall be vested in a Council composed of seventeen members, elected by the voters of the respective wards or districts which they are to represent, and no councilman shall be qualified to fill a position unless he is an actual resident of the ward or district for at least one year preceding the

election, and they shall be elected at the same time as the Mayor and other officers; they must be citizens of this State and of the United States and residents of the city of New Orleans five years preceding their election, and shall be at least twenty-five years of age, and shall never have been convicted of any crime.

SEC. 10. The members of Council shall receive twenty dollars each for attendance at each regular monthly meeting of said body; provided, that such members shall have attended all called or special meetings held during such month.

SEC. 11. The Council shall elect from its members a president, who shall receive an annual salary of two thousand dollars, and shall be ex-officio chairman of the finance committee thereof; also a clerk, at a salary not exceeding one thousand eight hundred dollars per annum, and a sergeant-at-arms at a salary of nine hundred dollars per annum. The president shall have a casting vote in case of a tie.

SEC. 12. The Council shall be exclusively the judges of the elections, qualifications and return of its members, and may expel one of its members by a two-thirds vote of all the members elected to such Council, five days' notice and an opportunity of being heard in his defence having been previously given said member; but no member shall twice be tried for the same cause.

SEC. 13. The Council by resolution may, during the session thereof, punish by arrest and imprisonment any person who is guilty of disrespect, disorderly or contemptuous behavior in presence of the Council in session; and the Council or any committee thereof may summon witnesses and compel their attendance by attachment and administer oath by the president or chairman, compel witnesses to testify and to produce books and papers, and may punish them by imprisonment or fine for failure to attend or refusal to testify or produce books and papers, but no such imprisonment shall exceed ten days for each offence; provided, that any person so sworn who shall wilfully and falsely testify before said Council, or any committee thereof, shall be

Compensation
for regular
attendance.

Organization
of council.
President of
council.
Salary and
duties of.
Clerk,
salary of.
Sergeant-at-
arms,
Salary of.

Council exclus-
ively judges
of the qualifi-
cation and
election of its
members.

May expel one
of its mem-
bers by a vote
of two-thirds
of all mem-
bers.

Authority to
compel per-
sons to testify
and to punish
for refusal.

Witness sworn
by council or
committee
liable to per-
jury for false-
ly testifying.

guilty of perjury and be subject to the penalty provided by law.

SEC. 14. The Council shall have power and it shall be their duty to pass such ordinances, and to see to their faithful execution, as may be necessary and proper :

Peace and
order.

(1). To preserve the peace and good order of the city.

Cleanliness
and health.

(2). To maintain its cleanliness and health, and to this end ; (a) to adopt and provide an efficient system of drainage ; (b) to provide for the inspection and cleanliness of all vaults, privies, yards, pools, markets, cemeteries ; (c) to regulate the location of and inspection and cleansing of dairies, stables, cattle yards, landings and pens, slaughterhouses, soap, glue, tallow and leather factories, depositories for hides, and all places of business likely to be or become detrimental to health, and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health and to prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises. The Common

To suppress
nuisances.

Council shall provide for the frequent inspection of all premises by persons to be designated, either by the Common Council or by the Board of Health in the city ; they shall also prescribe what water supply shall be provided by the owners of private premises and that all premises, yards, streets and alleys shall be kept in a cleanly condition ; shall provide for the punishment of any violation of such ordinances or regulation, by fine or imprisonment, or both ; and all such fines, when recovered, shall be paid over to the Board of Health, to assist in its maintainance ; (d) to suppress all nuisances ; (e) to prevent the sale of adulterated or decayed food, and punish the same ; to punish the sale of adulterated drinks.

To open and
keep free
from obstruction,
streets,
squares,
wharves, etc.

(3). to open and keep open and free from obstructions all streets, public squares, wharves, landings, lake shore and river and canal banks.

Repairs of
streets,
bridges,
canals and
ditches.

(4). To keep the streets and crossings and bridges and canals and ditches clean and in repair.

(5). To adequately provide for the maintenance of an efficient police force and fire department. To maintain police and fire department.

(6). To light the streets, wharves, landings and public squares. Lighting.

(7). To organize and maintain free public schools. Public schools.

(8). To maintain levees, dykes, and to protect the city from overflow, and to provide for the drainage thereof. Levees and drainage.

SEC. 15. The Council shall also have power :

(1). To order the ditching, filling, opening, widening and paving of the public streets, and to regulate the grade thereof. Streets.

(2). To regulate the public cemeteries, to order the manner of conducting the same and to order the closing of same. Cemeteries.

(3). To compel the owners of any lot or lots to fill the same to a grade above the grades of the streets and to construct drains or gutters. To order the filling of lots.

(4). To improve and embellish the public squares and parks and places. To improve public parks.

(5). To construct and maintain wharves and landings, and to erect sheds and buildings therein to protect merchandise in transit and to prescribe and collect such charges, wharfage and levee dues as will pay for the construction and maintenance, lighting and policing same and no more, so as to make the port of New Orleans as near a free port as possible. The Council shall have power. Wharves and Landings.

(6). To compel the owners of property or tenants to keep their sidewalks in front of such property clean and in repair. Sidewalks.

(7). To prevent explosive and dangerous substances from being stored or kept in dangerous quantities in the city, to designate the places where such dangerous articles may be stored and to regulate the manner of hauling and keeping explosive substances. To provide for the storing and removal of combustibles.

(8). To determine within what limit wooden buildings shall not be erected and to prevent the reconstruction in wood of old buildings within such limits. Fire limits.

(9). To regulate the safety, height and thickness of the walls and structures. Buildings, construction of.

- Animals, to prevent the roving of.** (10). To determine what animals shall not be permitted to rove in the limits of the city, and to cause them to be killed or to be confined and sold, when found to be roaming at large.
- Places of amusement, to regulate.** (11). To regulate the police of theatres, public balls, dance houses, concert saloons, taverns, hotels, houses of public entertainment, shops for retailing alcoholic liquors, houses of prostitution and assignation and to close such houses from certain limits, and shall have power to exclude the same, and to close houses and places for the sale of intoxicating liquors when the public safety may require it, and to authorize the Mayor and police to close such places.
- Houses of prostitution, to regulate and to exclude.**
- Gambling.** (12). To close all gambling houses and to expel from the city, and to imprison all bunco men, lottery men, common cheats and swindlers, beggars and dangerous and suspicious characters.
- Railroads, To authorize and to provide regulations.** (13). Have the power to authorize the use of the streets for railroads operated by horse, electric, steam or other motive power, and to regulate the same; to require and compel all lines of railway or tramway in any one street to run on and use one and the same track and turntable, to compel them to keep conductors on their cars and compel all such companies to keep in repair the street bridges and crossings through or over which their cars run.
- Batture.** (14) To lay off and sell in lots or squares so much of the batture from time to time as may be required for public purposes, but the right of accretion or to future batture shall never be sold.
- Public institutions.** (15). To establish jails, houses of refuge, reformation and correction and make regulations for their government, and to exercise general police power in the city of New Orleans.
- Ordinances, Providing how same shall be adopted.** Sec. 16 No ordinance or resolution shall pass the Council at the same session at which it is first offered, but every ordinance or resolution shall, at its first offering be read in full and shall lie over at least one week before being finally considered by the Council.

SEC. 17. The Council shall meet on the first Tuesday evening of every month, and as much oftener as they shall determine to be necessary. All meetings for organization, and canvassing and compiling and proclaiming the result of an election shall be held in daylight. The Council shall sit with open doors, and no resolution or ordinance, except resolutions for investigation and for the conduct of parliamentary business, shall have force of law, unless it receive the votes of a majority of the members elected to said Council, and unless on its final passage the ayes and nays are called and recorded.

Council,
Meetings of.

Open sessions.

Majority of
council elect-
ed necessary
for adoptions
of ordinances
and resolu-
tions.

SEC. 18. The Council shall organize the departments of Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Public Buildings, City Engineer and City Attorney, regulate the number of clerks and other persons to be employed therein, and fix the salaries of such clerks and employees. The heads of such departments shall have the right to appoint, by and with the consent of the Council, the chief deputy or clerk in such department, and may discharge same at pleasure; the fact of such discharge and the cause thereof shall be communicated to the Council at its first meeting thereafter.

Organization
of depart-
ments.

Chief clerk or
deputy, how
appointed
and how re-
moved.

SEC. 19. The Council shall fix the compensation of every officer of the city, or of the State, whose services are by law to be paid by the city of New Orleans, except such whose salaries are hereby fixed in this act, and regulate the number and compensation of all persons on the pay roll of the city of New Orleans.

Compensation
of employees.

SEC. 20. It shall not be lawful for the Council to increase the salary or compensation of any officer during the term for which such officer has been elected by allowing him any fees for the performance of any duty imposed on him by this act or by the Council; provided, the Council may abolish such office.

Salaries of
officers.
Increase of,
prohibited.

SEC. 21. The Council shall not grant any privilege for the opening of any bar room, saloon, concert saloon or dance hall, except upon the written consent of a majority of the bona fide householders or property holders within 300 feet, measured along the street fronts, of the pro-

Bar rooms,
concert sa-
loons, etc.,
majority of
property
owners to
consent to the
establishment
of.

posed location of such bar room, saloon, concert saloon or dance hall, and it shall revoke any privilege on the petition of a like number of such persons, any prior license or privilege to the contrary, notwithstanding.

V.—EXECUTIVE DEPARTMENT.

Executive department. The executive powers of this corporation shall be vested in one Mayor, one Comptroller, one Treasurer, one Commissioner of Public Works, one Commissioner of Police and Public Buildings and one City Engineer.

Election and appointment of officers, and qualifications necessary. These officers shall be at least thirty years old, citizens of this State and of the United States, and residents of this city for five years prior to their election or appointment. The Mayor, Treasurer and Comptroller shall be elected by the people of New Orleans for the term of four years; the Commissioner of Public Works, Commissioner of Police and Public Buildings and the City Engineer shall be appointed by the Mayor as hereinafter provided.

Election of Mayor and other elective officers. **SEC. 23.** As soon as the new Council is organized it shall compile the votes for Mayor and other elective city officers from the returns of the Commissioners of Election, and at once proclaim the result of the popular vote. They shall be incompetent to perform any other business until that be done. The president of the Council shall administer to them the oath of office, and no commission from the Governor shall be necessary.

Providing for the compilation of votes cast for. **SEC. 24.** In all cases when the Mayor or other officer is required by this act to sign any account, warrant, order, check, document or other instrument, such signing shall be made in his own proper handwriting, and in no case shall such officer use a stamp, or types, or any engraved instrument for that purpose; nor shall they authorize a clerk or deputy to sign in their stead, except as hereinafter provided.

Signatures of officials. **SEC. 25.** The chief deputy or clerk of each department shall furnish a bond in favor of the Mayor and his successors in office for such amount as shall be fixed by the Council, and in case of suspension, absence, resignation or death of any executive officer the chief clerk or

Chief deputy or clerk of departments.

To furnish bond and to act
ad-interim.

deputy of such officer shall continue in office and perform the duties of such executive officer until another be elected or appointed and qualifies; and for the defaults and malfeasance in office of such clerk or deputy during his administration of such office he and his sureties shall be liable.

SEC. 26. The Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, City Attorney and City Engineer shall have the right to seats on the floor of the Council under such rules as the Council may adopt; and such rules they are required to make. They shall have the right to discuss and debate all matters pertaining to their respective departments, but shall not participate further in the proceedings of the Council than here provided.

Officers of city.
right to seats
on floor of
Council. To
discuss and
debate on
matters per-
taining to
their depart-
ments.

MAYOR.

SEC. 27. The Mayor shall be elected by a plurality of votes cast at the municipal election held pursuant to law. He shall keep his office at the City Hall, and shall have a seal to be called the seal of the city of New Orleans, which shall be affixed to all proper official acts of the corporation; he shall sign all contracts in behalf of the city, and no contract shall be complete until so signed; he shall see that all the laws and ordinances within the limits of the city of New Orleans be executed and enforced; he shall be *ex officio* justice and conservator of the peace; he shall have the right to appoint and remove such officers as may be hereinafter designated; and he shall have the right to debate upon the floor of the Council and participate fully in all proceedings thereof; he shall call meetings of the Council whenever he shall deem proper, or whenever five members thereof shall request him in writing so to do; he shall monthly lay before the Council a full statement of the condition of affairs of the city; it shall be his duty to report to the Council all officers and persons employed by the city who fail to perform their duty, or commit any act for which they are liable to impeachment or removal

Qualification
and duties of
mayor.

Meetings of
council, how
called.

To report all
officers and
employees of
the city fail-
ing to per-
form their
duty.

from office, and may in his discretion suspend such person until the action of the Council, to whom he shall report such suspension at their first meeting thereafter; and should the Mayor neglect or refuse to so report he shall be guilty of nonfeasance and liable to removal; it shall be his duty to call together the executive officers and heads of departments for consultation and advice upon the affairs of the city at least once a month, and at such meetings he may call on such officers and heads of departments for such reports relating to the subject matters under their control as he may deem proper, and it shall be their duty to prepare and submit same to him at once; he shall be responsible for the proper conduct of the officers of the several departments appointed by him, and may to this end remove from office any such officer or employee, and he shall serve his reasons therefor in writing on such officer, and transmit a copy thereof to the Council, to be spread upon its minutes; he shall receive an annual salary of \$6000, payable monthly on his own warrant, but he shall receive no fees or other emoluments of any kind, under any pretence whatever, on pain of removal, and he shall render daily account and pay into the treasury all sums which he may receive for the use of the city from any source.

SEC. 28. All ordinances and resolutions, except as hereinafter provided by Sec. 86, after having been passed by the Council, shall be transmitted to the Mayor for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But, if the Mayor shall disapprove of any ordinances or resolutions transmitted to him as aforesaid, he shall, within five days from the time he received it, return the same to the Council with his objections in writing, and if two-thirds of the members elect shall adhere to said ordinance or resolution, notwithstanding said objection, then, and not otherwise, the said ordinance or resolution shall, after publication thereof, have the force of law; the failure to return an ordinance with his

To consult with executive officers, and to require reports from same.

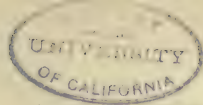
Responsible for the conduct of officers and employees, and power of removal.

Salary.

Ordinances and resolutions. Mayor to approve and publish same.

Veto.

Pocket veto.



veto, within five days, if the Council be in session, or to the next session of the Council, after five days, shall have the same effect as a veto. Any ordinance making appropriation or fixing the number and salaries of employees may be approved in part or vetoed as to specific items mentioned by the Mayor in his veto message.

What ordinances may be approved in part.

SEC. 29. It shall be the duty of the Mayor to publish all ordinances and resolutions passed by the Council, and it shall be the duty of the Clerk of the Council to publish the proceedings of the Council; the whole in a newspaper published daily in New Orleans (and which shall have been in existence as a daily paper for one year previous to the contract), the proprietors of which shall offer to publish said proceedings at the lowest price, at public auction, after one week's notice, and give good security for the faithful performance of the work. Such offering shall be made at least every two years, and no contract shall be made for a longer period.

Official journal
Ordinances and proceedings of council to be published therein

How selected, and qualifications necessary.

Term of contract limited.

COMPTROLLER.

SEC. 30. The Comptroller shall have a general superintendence of the fiscal affairs of the corporation. He shall prescribe the mode and manner of keeping the corporation books and accounts in every department entrusted with the receipt and expenditure of money, and said books and accounts and the rolls and books kept by the Assessors shall be at all times subject to the inspection of the Comptroller, the Treasurer and the chairman of the Finance Committee of the Council. The Comptroller shall examine and audit all claims and demands against or in favor of the corporation, and all accounts for the collection of the revenue shall originate in his office. No money shall be received by the Treasurer or any other officer from any source whatever, except on a written order, receipt or other document signed by the Comptroller, and no money shall be paid out of the treasury unless authorized by an ordinance or resolution to the Council, and on a warrant signed by the Comptroller. All accounts or bills for the collection of

Comptroller, duties of.

To audit all claims against city.

To issue warrant for receipt or payment of all money.

- Treasurer to receipt for all accounts to comptroller.** revenue shall be divided in classes corresponding with the different sources from which said revenue is drawn, and the accounts or bills of each class shall be numbered from one upward, and said accounts or bills, when delivered to the Treasurer, shall be charged to said Treasurer on the books of the Comptroller as cash received by the Treasurer, to be accounted for by him. The Comptroller shall not warrant upon the Treasurer for the payment of any bill, requisition, claim, pay roll or demand of whatever nature unless same has been first certified in writing as correct and due by the officer or board by whom, or under whose authority, the same was contracted, and also by the chairman of the Finance Committee of the Council, and until he shall have carefully examined and computed such claim. Any officer, board or any member of said committee who shall corruptly or wilfully certify any claim as correct or due, or warrant for same, knowing same to be incorrect or not justly due, shall be guilty of a misdemeanor and punishable by a fine not less than five hundred dollars or more than one thousand dollars, and shall furthermore be removed from office. If any claimant is indebted to said city, the Comptroller shall deduct such indebtedness, if mature, from the amount due said claimant, and shall so certify to the Treasurer. The Comptroller shall retain in his hands, as his vouchers, all bills, requisitions, pay rolls and other evidences of claims and demands so certified and warranted, and shall register same in regular order in a book kept for that purpose. When any person, other than such a claimant, is indebted to the city, the Comptroller shall place same in the hands of the City Attorney for collection, and shall take his receipt therefor. The Comptroller shall keep a full set of books in which all the fiscal operations of the corporation shall be recorded. He shall, in every month of each year, lay before the Council and the Mayor a report of the receipts and expenditures during the past months, giving not only the various items of receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, the amount
- To examine all accounts before warranting on treasurer.**
- Penalty for falsely certifying to any claims against city.**
- To deduct indebtedness of matured from claimants of city.**
- Vouchers, to retain.**
- To place claims in hands of City Attorney.**
- Accounts.**
- Report, to be submitted in detail to the Council monthly.**

thereof, the number of warrant and the date of the resolution or ordinance authorizing the expenditure. He shall, also, in the months of January and July of each year, lay before the Council and the Mayor a report giving not only the various items of said receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, the amount thereof, the number of the warrants and the date of the resolution authorizing the expenditure. The report shall also embrace a statement of the indebtedness of the city, showing in detail all outstanding obligations, their date, amount, to whom and for what issued, when due, and under what resolution or ordinance authorized. It shall also contain estimates to be made by the Commissioner of Public Works and chairman of the Finance Committee of the Council of the receipts and expenditures for the current six months; said report, in a condensed form, shall be published in book form; and he shall generally, in addition to the duties herein enumerated, perform all such other duties as the Council shall prescribe. He shall, before entering on the duties of his office, give bond to the amount of fifty thousand dollars, and with such sureties as shall be approved by the Council for the faithful performance of his duties, and he shall receive for his services, as a salary, four thousand five hundred dollars per year.

Semi-annual
report to be
submitted.

Bond.

Salary.

TREASURER.

SEC. 31. The Treasurer shall receive and safely keep all moneys, bills receivable, dues and assets belonging to the city. He shall deposit same daily in such bank or banks as the Council shall elect *viva voce*, paying the highest rate of interest therefor consistent with the safety of such deposits. Such bank or banks shall give bond equal to estimated average deposits to secure the city against all loss. All interest on such deposits shall belong to the city. He shall pay on the warrants of the Comptroller, and by checks drawn to order and countersigned by said Comptroller and the Mayor, or in case of said Comptroller or Mayor's absence or sickness,

Treasurer,
Duties of.

To deposit
daily.

Depository—
qualifications,
etc.

Checks, how
drawn and
countersigned.

countersigned by said Comptroller's chief clerk and the president *pro tem.* of the Council, all claims against the city which the Council may authorize, and in no case shall the Treasurer pay any claim whatever against the city except in the manner set forth. He shall keep a check book, in which the daily deposit of money made by him shall fully appear, and he shall each day deduct therefrom the amount of the checks drawn by him, so that the balance in bank in favor of the city shall at all times appear upon the margin of said check book. The Treasurer shall take a receipt from each person in whose favor he draws a check upon the money of the city, deposited as above set forth, which receipt shall fully and clearly state the consideration for which the check receipted for was given. The Treasurer shall balance his check book, bank book, cash book and accounts with the Comptroller weekly, and he shall cancel each week, and in presence of the Finance Committee of the Council and the Mayor, all warrants and evidences of claims against the city which shall have been paid by him, and all books kept by him, including his check book, bank book, cash book and all return checks and warrants and evidences of claims against the city paid by him, and all receipts taken by him shall be at all times subject to inspection of the Comptroller, Finance Committee of the Council and the Mayor. He shall furnish the Comptroller with a daily report in writing of the receipts and expenditures and all the fiscal transactions of his office, and he shall lay before the Council and furnish to the Mayor at each regular meeting of said Council a detailed report of the same, which shall be published; and generally he shall perform all such duties as may be imposed on him by said Council. He shall, before entering upon the duties of his office, give bond to the amount of fifty thousand dollars, with such sureties as shall be approved by the Council for the faithful performance of his duties, and shall receive for his services an annual salary of three thousand five hundred dollars.

Check book
to be daily bal-
anced.

To require
receipt for all
payments.

To balance
weekly with
Comptroller.

Accounts, etc.,
to be open to
inspection of
certain offi-
cers.

Reports to
Comptroller
and Council.

Bond of.

Salary.

COMMISSIONER OF PUBLIC WORKS.

SEC. 32. The Commissioner of Public Works shall be appointed by the Mayor, by and with the consent of the Council, and may be removed by him at pleasure on serving him with his reasons in writing, for such removal, and on transmitting a copy thereof to the Council to be spread on its minutes; he shall be a practising civil engineer of good standing and reputation. The Commissioner of Public Works shall have general charge and superintendence of all matters relating to water-works, railroads, levees, weights and measures, manufactories, streets, sidewalks, pavements and wharves; the construction, cleansing and repair of the same; the construction and repair of bridges and drainage and hygiene of the city in so far as the same may be compatible with the laws and duties of the Board of Health and shall be vested with and perform such other functions as may be prescribed by said Council. He shall report to the Mayor, in detail, the working of his department; he shall cause to be made from time to time, and at least quarterly, a detailed statement to be submitted to the Council, stating the condition of the streets, from curb to curb, including the bottoms and grade of the gutters along which tracks are laid or railroads cross or pass; also the condition of the bridges, wings and crossings, whether the same be of iron or wood; also whether the grade of such railroad tracks, bridges and crossings are level with the surface of the street, also whether the natural drainage of any gutter is impeded by bridges or culverts over which said tracks are laid, being too low or high, or for want of iron cross pieces being used for bridges in lieu of wood, or whether such natural drainage is impeded for want of bottoms in bridges or whether such bottoms of bridges required to be lowered or raised. He shall, before entering upon the duties of his office give bond in the sum of twenty-five thousand dollars, with good and solvent security, as shall be approved by the Council, conditioned for the faithful performance of his duties. He shall receive an annual salary of four thousand dollars.

Commissioner
of Public
Works, ap-
pointment,
qualifications
and removal of.

Duties of.

Reports of.

Bond of.

Salary.

COMMISSIONER OF POLICE AND PUBLIC BUILDINGS.

Commissioner of Police and Public Buildings, appointment and removal of. SEC. 33. The Commissioner of Police and Public Buildings shall be appointed and may be removed in the same manner as the Commissioner of Public Works.

Duties of.

The Commissioner of Police and Public Buildings shall, so far as the Council may have authority, have in charge the Houses of Refuge and Correction, Pounds and Cemeteries, and shall be vested with and perform such other functions and duties as may be prescribed by the Council; provided, that no authority or duty herein conferred or imposed upon said department, or upon the Council, shall conflict with or impair any of the powers,

Public Institutions, in charge of.

duties and rights conferred by this act upon the Mayor; he shall have general superintendence of the school houses, markets, slaughter-houses, prison and police stations and jails, work house, asylums, hospitals and all courts and public buildings, except the City Hall, which shall be under the control of the Mayor and the several executive officers. He shall appoint subject to

Fire and Police Telegraph, appointments in.

and in accordance with the rules and regulations prescribed by the Board of Civil Service Commissioners, a Superintendent of Fire Alarm and Police Telegraph, who shall be a competent electrician, at a salary of eighteen hundred dollars a year; also such telegraph operators, linemen, battery-men and messengers, at such salaries as the Council may designate; he shall be vested with and perform such other functions and duties as may be prescribed by the Council; he shall report to the Mayor, monthly, the full details and workings of his department; he shall, before entering upon the duties of his office, in addition to the oath required, give bond in the sum of twenty-five thousand dollars, with good and solvent surety, as shall be approved by the Council, conditioned for the faithful discharge of his duties;

Bond of.

he shall receive an annual salary of three thousand five hundred dollars, payable monthly.

Salary.

CITY ENGINEER.

SEC. 34. The Mayor shall appoint, by and with the consent of the Council, a civil engineer, in good standing, who shall have practiced his profession for at least five years prior to his appointment as City Engineer. He may be removed by him in the same manner as is provided in case of the Commissioner of Public Works. The City Engineer shall receive an annual fee of four thousand dollars; he shall furnish the Council and the proper authorities of the city, when so ordered, with all the plans and estimates and other information appertaining to his department which such Council or executive officers may require. He shall superintend the construction of all public works, and report after the completion of the same the manner in which the works have been executed, and shall perform such other duties as the Council may direct. He shall give all lines and grades for all sidewalks, streets, railroads and other works authorized by the Council, for which services no charge shall be made. He shall establish and keep up to date a platted record, in book form, on a suitable scale, of the sub-division of each and every block in the city, as far as is practicable from the information in his possession and from the reports made to him by the deputy surveyors of their transactions.

City Engineer,
appointment,
removal and
qualification of.

Fee or salary
of.

To furnish
plans, etc.

To superin-
tend construc-
tion of all pub-
lic work.

Lines and
grades to be
furnished by.

Records, to
be kept by.

SEC. 35. There shall be appointed by the City Engineer, under and in accordance with the rules and regulations prescribed by the Board of Civil Service Commissioners, not more than seven deputy surveyors, skilled in their profession. They shall furnish bond with sureties satisfactory to the Council in the sum of five thousand dollars, to guarantee the faithful performance of their duties. They shall keep an office within the districts to be designated by the City Engineer, but shall have authority to make surveys anywhere within the corporate limits; the compensation of deputy surveyors on all surveys in amount exceeding five dollars is hereby fixed at a rate of two cents per running foot, to be paid by the persons

Deputy sur-
veyors, ap-
pointment and
qualification of.

Bond of.

Offices of.

Fees of.

who shall employ them to give surveys of their prop-

Property owners to notify deputy surveyors of sub-division of property. Property owners shall notify the deputy surveyor of their district of all new sub-divisions of their properties made by them, under a penalty of fifty dollars for each neglect to do so, and all lines for

Penalty for failure. such sub-division shall be given by the deputy surveyor. The deputy surveyors shall, immediately after its execution, furnish the City Engineer with a full and complete copy of any survey made by them under a penalty of fifty dollars for each neglect to do

Duty of and penalty. so and the removal from office. It shall be unlawful, under a penalty of fifty dollars for each and every offence, for any person or persons to lay any side-

Penalty for any person to lay any sidewalk, railroad or other improvement without lines from City Engineer. walks, street railroad or other improvement upon the streets, sidewalks, public ways or grounds of the city until the lines and levels thereof have been furnished by the City Engineer, and the deputy surveyors shall not give such lines or levels unless by special instructions from the City Engineer. The City Engineer and the employees of his office are prohibited from making

Private surveys prohibited by City Engineer and employees of office. private surveys.

CITY ATTORNEY.

City Attorney. Appointment, qualification and removal of. SEC. 36. The Mayor shall appoint, by and with the consent of the Council, a duly licensed lawyer of good standing who has practiced his profession for at least five years prior to his appointment, as City Attorney, and may remove him from office in the same manner as is provided in the case of the Commissioner of Public Works.

Legal adviser of corporation. The City Attorney shall be the legal adviser of the corporation on all matters in which his advice may be necessary, and shall represent such corporation in all judicial proceedings, suits, actions and contestations in which it

Contracts, to examine and approve before completion of. may have an interest; all contracts to be made with the city or any of its departments shall be submitted to him before execution for his examination, and he shall endorse on each his approval of the form thereof before the same shall be finally signed by the parties thereto, and he shall be the custodian of all such papers and records as may be designated, and perform such other

duties pertaining to his department as may be required by law or ordinance. He shall receive a salary of six thousand dollars a year, but no extra compensation or fee shall be allowed, and no attorney shall in any case be appointed to assist him unless by the vote of two-thirds of the members of the Council present at any meeting. He shall have the appointment, with power of dismissal at pleasure, of all assistant counsel that the Council may allow him. The City Attorney shall not be permitted to engage in any private practice; and he shall hold office for six years unless sooner removed, as above provided.

Salary of.

Assistant counsel, how appointed.

Assistant city attorneys, how appointed.

Private practice prohibited.

CITY NOTARY.

SEC. 37. The Mayor shall appoint, by and with the consent of the Council, a duly commissioned and practising notary public of this parish as City Notary, and may remove him from office in the same manner as is provided in the case of the Commissioner of Public Works. All contracts, agreements, acts of sale or purchase, and all authentic acts to which the city of New Orleans may be a party, or have any interest therein, shall be prepared by the City Notary and submitted by him, before execution, to the City Attorney for his approval, and if so approved shall be then executed before said City Notary. His compensation shall be the fees prescribed by law, and the same shall be paid by the party so contracting with the city of New Orleans; that upon the promulgation of all resolutions, approvals, the adjudication of contracts or sales or purchase, said City Notary shall notify the contractors or the parties thereof, and if the contractors and sureties fail to execute and sign their contract and bond within ten days thereafter, the City Notary shall thereupon inform the head of the department to which said contract pertains of such failure; and said City Notary shall furnish the head of the department to which any contract so entered into pertains, as well as to the City Engineer, a copy of each and every such act or contract to which the city of New Orleans is a party, which copies shall be preserved

City Notary, appointment, qualification and removal of.

To submit draft of all acts to City Attorney for approval.

Fees.

To notify contractors and sureties to sign.

Copies of contracts to be furnished to the heads of department to which contract pertains, and fixing the fees of copies to other persons.

and bound by said officers for reference, and shall form part of the archives of said office. The City Notary shall provide other parties applying for same copies of contracts at a cost not to exceed three dollars per copy.

VI.—BOARDS AND COMMISSIONS.

SEC. 38. In addition to the Board of Police Commissioners, created by Act 63 of 1888, and the Board of Fire Commissioners, created by Act 83 of 1894, there shall be a Board of Civil Service Commissioners.

BOARD OF CIVIL SERVICE COMMISSIONERS.

Civil Service
Commission,
appointment
of.

Term of office,
qualifications
and salary of.

Eligibility to
hold office.

Removal,
manner of.

SEC. 39. The Mayor, by and with the consent of the Council, shall appoint three discreet persons who shall be known and shall constitute the Board of Civil Service Commissioners. They shall hold office for twelve years, unless sooner removed. They shall be at least thirty years old, citizens of the United States and of the State for ten years, and residents of the city of New Orleans for five years prior to their appointment, and they shall each receive an annual salary, payable monthly, of three thousand dollars, and shall be men of good repute and education. No person shall be eligible for such appointment who has been a candidate for or incumbent of a municipal office in this State within four years prior to his appointment, nor shall such officer during his incumbency be a candidate or applicant for or hold any State, national, parochial or municipal office, nor be a member of or delegate to any municipal political committee or convention, nor shall such officer be eligible for any office under the government of the city of New Orleans within four years after his incumbency for any reason shall cease. And it shall be the duty of the Mayor to take cognizance of any violations of these prohibitions and forthwith remove such commissioner and appoint his successor; transmitting in detail his reason in writing to the Council for such action. The Mayor shall remove any commissioner for malfeasance, non-feasance, gross misconduct, habitual intoxication, partiality and favoritism in office, transmitting to the Coun-

cil at its first meeting thereafter, to be spread on its minutes, his reason in detail for his action.

SEC. 40. Of the members of the first board created by Section 39 one shall be appointed for four, one for eight, and one for twelve years; thereafter all appointments, except to fill unexpired terms, shall be for twelve years; vacancies shall be filled by the Mayor by and with the advice and consent of the Council.

Terms of office.

SEC. 41. The board shall have the right to appoint one chief examiner, who shall be ex-officio secretary of the board, at an annual salary of three thousand dollars, payable monthly; one assistant examiner at a salary of eighteen hundred dollars per annum, payable monthly, and two clerks at annual salaries of one thousand dollars, payable monthly; and such other clerks as the Council may from time to time allow. These persons shall hold office at the pleasure of the board.

Secretary and assistants, salary, etc.

SEC. 42. Said commissioners shall, as soon after their appointment as possible, classify all the offices and places of employment in this city, except only such offices and places to which appointment or election is otherwise expressly provided for by this act, with reference to the examinations hereinafter provided for. Such offices and places so classified shall constitute the classified civil service, and no appointment shall be made to any of such offices or places by any officer, board or body, except under and in accordance with the rules hereinafter mentioned.

Classification of offices.

SEC. 43. Said commissioners shall, after their appointment, make rules for examinations, appointments and removals, in accordance with the provisions of this act relating to the Board of Civil Service Commissioners, and they may, from time to time, amend or change same. Such rules, so made, shall be published and distributed, and go into operation in not less than ten days from date of publication, and the date upon which same shall be operative shall be specified.

To provide rules for examination, appointments and removals.

SEC. 44. All applicants for offices or places in said classified service shall be subjected to examination, which shall be public, competitive and free to all

Examinations to be free and competitive.

citizens of New Orleans, with specified limitations as to residence, age, health, habits and moral character.

To be practical.

Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and, when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinions or affiliations. The board shall control all examinations; and may, whenever an

Religious and political questions prohibited.

Manner of conducting examinations.

examination is to take place, designate a suitable number of persons, either in or not in the official service of the city, to be examiners, and it shall be the duty of such examiners, and, if in the official service it shall be a part of their official duty, without extra compensation, to conduct such examinations as the board may direct, and to make return or report thereof to said board, and the board may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the board may themselves, at any time, act as such examiners and without appointing examiners.

Date and place of examination to be published.

SEC. 45. Notice of the time and place and general scope of every examination shall be given by the board by publication for two weeks preceding such examination, in a daily newspaper of general circulation, published in such city, and such notice shall also be posted by said board in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the board shall prescribe.

To prepare register and record of successful candidates.

SEC. 46. From the returns or reports of the examiners, or from the examinations made by the board, the board shall prepare a register for each grade or class of positions in the classified service of such city of the persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such board, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

SEC. 47. The board shall, by its rules, provide for promotions in such classified service, on the basis of ascertained merit and seniority in service and examination, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examinations; and it shall be the duty of the board to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination, and the rules governing the same and the method of certifying, shall be the same as provided for applicants for original appointment.

SEC. 48. The head of the department or office in which a position classified under this act is to be filled shall notify said board of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade to which said position belongs, except that in cases of laborers, where a choice by competition is impracticable, said commission may provide by its rules that the selections shall be made by lot from among those candidates proved fit by examination. The appointing officer shall notify said board of each position to be filled separately, and shall fill such place by the appointment of the person certified to him by said board therefor, which appointment shall be on probation for a period to be fixed by said rules. Said board may strike off names of candidates from the register after they have remained thereon more than two years. At or before the expiration of the period of probation the head of the department or office in which a candidate is employed may, by and with the consent of said board, discharge him upon assigning in writing his reason therefor to said board. If he is not then discharged his appointment shall be deemed complete. To prevent the stoppage of public business; or to meet extraordinary exigencies, the head of any department or office may, with the written approval of the board,

Promotions in classified service.

Appointments to classified service, how made.

Probation.

Limit of time of successful candidates.

Final appointment.

Heads of departments may make temporary appointments in exigencies.

make temporary appointment, to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this act can be made.

Employees in classified service not to be removed except for cause and upon charges.

SEC. 49. No officer or employee in the classified civil service who shall have been appointed under said rules and after said examination shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defence. Such charges shall be investigated by or before said Board of Civil Service Commissioners, or by or before some officer or board appointed by said board to conduct such investigation. The finding and decision of such board or investigating officer or board, when appointed by said Board of Civil Service Commissioners, shall be certified to the appointing officer and shall be forthwith enforced by such officer. Nothing in this act shall limit the

Power to suspend.

power of any officer to suspend a subordinate for a reasonable period, not exceeding thirty days. In the course of an investigation of charges, each member of the commission, and of any board appointed by it, and any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. Nothing in this section

Authority to produce persons and papers.

Exceptions.

shall be construed to require such charges or investigation in cases of persons having the custody of public money, for the safe keeping of which another person has given bond.

Appointments, transfers, promotions and resignations to be immediately forwarded to Board.

SEC. 50. Immediate notice in writing shall be given the appointing power to said board of all appointments, permanent or temporary, made in such classified civil service, and all transfers, promotions, resignations, or vacancies from any cause in such service, and of the date thereof; and a record of the same shall be kept by said board. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said board.

SEC. 51. The board shall investigate the enforcement

of this act and of its rules, and the action of the examiners herein provided for, and the conduct and action of the appointees in the classified service in this city, and may inquire as to the nature, tenure and compensation of all offices and places in the public service thereof. In the course of such investigations each commissioner shall have power to administer oaths, and said board shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

Power of Board to inquire into matters pertaining to classified service.

SEC. 52. The board shall make an annual report to the Council showing its actions, the rules in force and the practical effect thereof. The Mayor may require further reports at any time he deems best.

Annual report.

SEC. 53. The Mayor shall provide suitable rooms for the use of the board, and it shall be the duty of all officers to aid said board to carry out the provisions of this act. The Council shall appropriate a sufficient sum of money each year to fully carry out the purpose for which the board is created.

Mayor to provide office.

Council to provide appropriation.

SEC. 54. No person or officer shall wilfully or corruptly by himself or in co-operation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly make any false representation concerning the same, or concerning the person examined, or wilfully or corruptly furnish to any person any special secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed; employed or promoted.

Information to candidate for examination or corruptly marking result of examination prohibited.

SEC. 55. No officer or employee of this city shall solicit directly or indirectly or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any political party or purpose whatever.

Officers and employees prohibited from soliciting, receiving or paying assessment for political purposes.

SEC. 56. No officer or employee of such city shall discharge or degrade or promote or in any manner change

Employee exempt from discharge for re-

fusing to contribute money or other valuable thing to political parties.

the official rank or compensation of any officer or employee, or promise or threaten to do so; for giving or withholding, or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

Applicants for appointment not to pay or promise to pay for appointment or promotion.

SEC. 57. No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever, for or on account of his appointment or proposed appointment, and no officer or employee shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

Applicants for appointment not to ask or receive recommendations or assistance in examination.

SEC. 58. No applicant for appointment or promotion in said classified civil service shall ask or receive a recommendation or assistance from any officer or employee in said service, or of any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

Officers of city government seeking nomination not to use office or promise to use authority or influence to aid persons in securing positions or promotion.

SEC. 59. No person, while holding any office in the government of such city, or in nomination for or while seeking a nomination for or appointment to any such office, shall corruptly use, or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person, in securing any office or public ployment, or any nomination, confirmation, promotion or increase of salary; upon the consideration or condition that the vote or political influence, or action of the last named person, or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

Comptroller prohibited from allowing claims for services in violation of provision of act.

SEC. 60. The Comptroller shall allow no claim for services of any person employed in the public service in violation of the provisions of this act. And for this purpose the board shall certify to the Comptroller all

appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the board under the provisions of section 49 of this act, in effect that a person shall be discharged from the classified civil service.

SEC. 61. Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the board or by any Commissioner, or by any board or person acting under the orders of the board, in the course of an investigation conducted either under the provisions of section 49 or section 51 of this act, and who have refused or neglected to appear or to testify, or to produce books and papers relevant to such investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in section 62 of this act. Every person who, having taken an oath or made affirmation before said board or a commissioner or officer appointed by the board and authorized to administer oath, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury, and, upon conviction, shall be punished accordingly.

Failure to attend or produce books and papers when ordered by Commission declared a misdemeanor.

Falsely swearing declared perjury.

SEC. 62. Any person who shall wilfully violate any of the provisions of section 39 to section 61, inclusive, of this act, or any rule promulgated by the Board of Civil Service Commissioners, in accordance with the provisions thereof, shall be guilty of a misdemeanor, and shall on conviction be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or by imprisonment in the parish prison for a term not exceeding six months.

Penalty for violating provisions of act.

SEC. 63. If any person shall be convicted under the next preceding section, any public office, or place of public employment which such person may hold, shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for a period of ten years from the date of such conviction.

Conviction, to render office vacant.

SEC. 64. Prosecutions for violations of this act shall

District Attorney to prosecute. be instituted by the District Attorney for the parish of Orleans at the request of the Board of Civil Service Commissioners.

Council to provide appropriation to organize this department. SEC. 65. Immediately upon this act becoming law it shall be the duty of the City Council to budget and appropriate a sum of not less than three thousand dollars, to be expended under the direction and control of said board for the purpose of properly organizing this department and in employing such experts as may be necessary to properly classify and systematize the offices and places of employment in this city and the formulation of proper rules in accordance with the provisions of this act. It shall be the duty of the Mayor, within sixty days after this act shall become a law, to appoint such Civil Service Commissioners, whose term of office shall commence from the date upon which they are appointed.

Mayor to appoint commission within 60 days.

BOARD OF POLICE COMMISSIONERS.

Board of Police Commissioners. SEC. 66. The powers and duties of the Board of Police Commissioners shall remain as now prescribed by law, except that all appointments and promotions to positions in the police force (except that of Superintendent) shall be made in accordance with and subject to the provisions of sections 39 to 64, inclusive, and to the rules and regulations prescribed by the Board of Civil Service Commissioners; in all other respects the authority of said Police Board shall remain unimpaired.

Appointments and promotions on force to be subject to provisions of act.

BOARD OF FIRE COMMISSIONERS.

Board of Fire Commissioners. SEC. 67. The powers and duties of the Board of Fire Commissioners shall remain as now prescribed by law, except that all appointments and promotions to positions in the fire force (except that of Chief Engineer) shall be in accordance with and subject to the provisions of Secs. 39 to 64, inclusive, and to the rules and regulations prescribed by the Board of Civil Service Commissioners; in all other respects the authority of said board shall remain undisturbed.

Appointments and promotions on force to be subject to provisions of Act.

VII. RECORDERS' COURTS.

SEC. 68. There shall be four police courts in this city, to be known as the First, Second, Third and Fourth Recorders' Courts. The First Recorder's Court shall have jurisdiction of that territory known as the First and Fourth Municipal Districts; the Second Recorder's Court of the Second and Third Municipal Districts; the Third Recorder's Court of the Sixth and Seventh Municipal Districts, and the Fourth Recorder's Court of the Fifth Municipal District.

Recorders' Courts, number of provided and jurisdiction of Courts,

SEC. 69. The Recorders shall be elected by the qualified electors of the city of New Orleans at the same time as the Mayor and other municipal officers; they shall be at least twenty-five years old, and shall have the same qualifications required for judges of the city courts of New Orleans, and shall be residents of the districts over which they have jurisdiction. The First and Second Recorders shall receive a salary of three thousand dollars per annum, and shall be allowed each one clerk at fifteen hundred dollars a year; two assistant clerks at one thousand dollars a year, and one testimony clerk, who shall be a competent stenographer, at twelve hundred dollars a year. Third and Fourth Recorders shall each receive a salary of two thousand dollars a year, and shall be allowed one clerk at a salary of twelve hundred dollars a year, and one testimony clerk, who shall be a competent stenographer, at one thousand dollars a year. Said clerks shall be appointed by the Recorders and removed by them at pleasure.

Recorders.

Election and qualifications of.

Salary of Recorders and employees.

SEC. 70. It shall be the duty of the testimony clerks of such courts to take down verbatim reports of all testimony and examinations in all cases where the offence is cognizable in the Criminal District Court, or appealable to the Supreme Court, and cause same to be signed by the witness and certified by the Recorder, whose duty it shall be to forward same to the Criminal District Court.

Duties of testimony clerks.

SEC. 71. The Council shall provide suitable rooms, furniture and stationery for said courts, and the Board

Council to provide suitable rooms, etc.

Board of Police Commissioners to detail officers to Recorder's Courts.

of Police Commissioners shall detail, subject to such rules as it may adopt, four policemen to the First and Second Recorders' Courts, and two policemen to the Third and Fourth Recorders' Courts, to keep order and execute the orders and decrees of the Recorders.

Removal of Recorders.

SEC. 72. The Recorders shall be removed for any of the causes enumerated in Art. 196 of the Constitution, in the manner provided in Art. 201 of the Constitution.

Jurisdiction of recorders.

SEC. 73. Recorders shall have the jurisdiction of committing magistrates, and to enforce all valid city ordinances, and to try, sentence and punish all persons who violate same. They and their clerks shall have power to administer oaths, and the Recorders shall have power to compel witnesses to appear and testify, and to punish for contempt; provided such contempt be committed in open court and punishment thereof shall not exceed twenty-five dollars fine or twenty-four hours in jail.

Fines, penalties, etc.

SEC. 74. All fines, penalties or forfeiture imposed by Recorders shall be collected by them, and by them paid daily to the City Treasurer; to this end the Treasurer shall furnish to each Recorder a printed receipt book, with marginal stubs, and the Recorder shall give a receipt from said book to the person paying same for every fine or penalty collected, stating therein the amount of the fine or penalty, the date, from whom collected, the name of the person fined, and for what offence, and shall make corresponding entries on the stub thereof. No person except the Recorder shall be allowed to receive payment of a fine or penalty, or give a receipt therefor; nor shall any fine be remitted or released save in open court, and entry thereof shall be made on the minutes of the court, and due record shall be made thereof by the Recorder in his return to the Treasurer. Said receipt books and stubs shall always be open for public inspection. Should any recorder fail, neglect or refuse to comply with the provisions of this section, he shall be guilty of a misdemeanor and be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, and shall be liable to removal from office.

SEC. 75. The Council shall, within one week after its organization, elect *viva voce* four persons, having the same qualifications as the Recorders, to act as Recorders *pro tem.* in case of the sickness, inability, absence, suspension or removal of a Recorder, and they shall receive, while so acting, the salary payable to such Recorder, same to be deducted from the salary payable to such Recorder.

VIII.—VACANCIES.

SEC. 76. Whenever a vacancy shall occur by reason of the death, resignation or otherwise in the office of Mayor, it shall be the duty of the president of the Council to act as Mayor during the unexpired term, and, in case of the sickness, temporary absence or inability of the Mayor, the president shall act as Mayor *pro tempore*.

SEC. 77. When a vacancy shall occur by death or otherwise in the office of Comptroller or Treasurer it shall be the duty of the Council to elect a citizen having the proper qualifications, not a member of the Council, to the position thus vacant, to hold office for the unexpired term.

SEC. 78. Whenever a vacancy shall occur in any office by the death or otherwise of the officer appointed by the Mayor, or elected by the Council, the Mayor shall appoint, or the Council shall elect, as the case may be, a successor to serve the unexpired term.

SEC. 79. Vacancies occurring in the office of Councilmen or Recorder shall be filled by election *viva voce* by the Council of a citizen having the qualifications required for such office, and such person shall serve for the unexpired term of office.

IX.—IMPEACHMENT AND REMOVAL.

SEC. 80. The Mayor, Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, Recorders, City Engineer, City Notary and City Attorney shall be removable, in addition to the causes provided for in this act, for malfeasance in office, gross neglect of duty or disability affecting

the fitness of the occupant to fill and discharge the duties of the position.

Committee on
Public Order to
conduct im-
peachment pro-
ceedings.

SEC. 81. There shall be among the standing committees of the Council a committee of five members to be styled "the Committee of Public Order," which committee shall be charged with the duty of conducting the impeachment of said officers of the city, and pending such impeachment and until the final disposition thereof, the party impeached shall not exercise any of the functions of his office.

Court of im-
peachment.

SEC. 82. The Council, excepting the five members of the Committee of Public Order, shall have full power to try all impeachments, and when sitting for that purpose, as a court of impeachment, the members thereof shall be on oath or affirmation. The Mayor shall preside over said court, except when on trial, in which case the president of the Council shall preside.

Order of pro-
ceeding by
court of im-
peachment.

SEC. 83. Upon the preferring of articles of impeachment by the Committee of Public Order, or by any six members of the Council, or of twenty citizens, or by the Mayor, the accused shall be placed on trial within thirty days from the notification of said charges to the party impeached, and no person shall be convicted without a vote therefor of ten members of said Council. The Mayor shall not have the right to vote in the final judgment.

Judgment.

SEC. 84. Judgments, in cases of impeachment, shall not extend further than removal from office and disqualification from holding any office under the City Charter; but the party convicted shall be liable to indictment, trial and imprisonment, according to law.

Power of
Council to re-
move by a two-
third vote.

SEC. 85. That in addition to the power of removal by way of impeachment the Council shall have power to remove at any time from office any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the members elected to said Council shall vote in favor of said resolution.

X.—FRANCHISES.

Franchises.

SEC. 86. Every ordinance, resolution or order granting a franchise to any person or corporation, after having been introduced in, considered and passed by the Council in the manner provided for other ordinances, shall be published in full in the official journal for two weeks, and thereafter shall be transmitted to the Mayor, whose duty it shall be to cause the Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings and City Engineer to publicly assemble in the Council chamber to consider and pass upon such ordinance, resolution or order, and they, or any four of them, may approve, amend or reject the same, but no such ordinance, resolution or order so amended shall be considered finally passed until any and all amendments shall have been concurred in by a vote of a majority of the members elected to the Council, as shown by the ayes and nays called and recorded; or unless such amendments be withdrawn or modified, after conference, by a vote of four such officers and concurred in by a majority of the Council elected, as shown by the ayes and nays called and recorded. Thereafter such ordinances, resolutions or orders so passed shall be transmitted to the Mayor for his consideration, and if same meets with his approval he shall sign and publish same, and it shall have the effect of law. But if he disapprove of same he shall, within five days of the time he receives same, return same to the Council and to such officers so assembled, with his objections in writing, and if two-thirds of the members elected to the Council and four of such officers shall adhere to such ordinance, resolution or order, notwithstanding said objection, then, and not otherwise, said ordinance, resolution or order shall, after publication, have the form of law. For the purpose of considering all such matters the Mayor shall assemble said officers at sufficiently frequent stated periods, and they may grant hearings on such occasions to persons interested. In case the Mayor shall fail to return said ordinance, resolution or order within five days, or at

Providing manner of adoption of ordinances granting franchises to persons or corporations, and further, providing for the consultation by the Mayor with other executive officers.

the next session of the Council after five days, such failure shall operate as a veto.

Franchises for lighting streets or disposal of sewerage or garbage or other valuable and large contracts affecting public health or comfort not to be disposed of except after three months publication of terms and specifications.

SEC. 87. No franchise shall hereafter be granted, renewed, extended or disposed of for lighting streets or public places, or disposal of sewerage or garbage, or any large and valuable franchise similarly affecting the public health or comfort, or for the operation of any street or belt railroad, except after three months' publication in the official journal of the terms and specifications of said franchise, and after same has been adjudicated by the Comptroller as provided in Sec. 116 of this act to the highest bidder; provided, that no street railroad or belt railroad franchise shall be sold except to the person, corporation or corporations offering the highest percentage of gross annual receipts to be derived from such franchise during the term thereof, and said percentage shall be estimated on the gross annual income derived from such franchise after deducting only all taxes paid by such person or corporation to the city and State by reason of the ownership or operation of said franchise.

Street and belt road franchises to be sold to persons offering highest percentage of gross earnings.

Officers of corporation to present to Comptroller annual statement of gross earnings of company.

SEC. 88. In order to ascertain the amount due the city by such grantee or assigns, such person, or if it be a corporation the president, or in his default the vice president or secretary, annually on the 1st day of November, in each and every year, shall make to the Comptroller statement under oath, showing the gross income derived from such franchise, giving in detail the items and sources thereof, and also showing the deductions claimed for taxes actually assessed and paid. And the Comptroller, or clerk, or clerks, or experts designated by him shall have free access to all of the books, papers and documents of such person or corporation for the purpose of computing and verifying said statement and ascertaining the amount due the city.

Penalty for making false entries in books with intent to defraud city, or refusing to exhibit books and documents to Comptroller.

SEC. 89. Any person who shall make or cause to be made, or assents to any false entry in the books of any corporation, firm or person operating a street railroad or belt railroad, with intent to defraud the city or deprive it wholly or in part of any sum justly due it, or

shall refuse to exhibit books, papers and documents when called upon to do so by the Comptroller, or his designated clerk or clerks, or shall wilfully omit any item of income from books, shall be punished by a fine of five hundred dollars, or by imprisonment not less than one nor more than five years, or both, at the discretion of the court.

SEC. 90. Whoever shall falsely make oath to the verity and correctness of any statement required by Sec. 88 of this act, or shall counsel, assist or abet any person to make false oath to such statement, shall be guilty of perjury and punished as provided by law. Penalty for making false oath.

SEC. 91. The sum due the city for its percentage of gross income as aforesaid, shall be due and exigible on the first day of November of each year, and shall be secured by a first privilege upon all of the property of the aforesaid person, firm or corporation, and if not paid within ten days of that date it shall be the duty of the Comptroller to have recorded in the Mortgage Office his certificate showing the amount thereof, and such recordation shall operate as a first privilege on all the property used in the operation of such franchise, and shall rank all other mortgages and privileges regardless of the date of their recordation, except taxes due to the city and State, and such sum shall bear interest at the rate of 2 per cent. per month from November 1st until paid. And if said amount be still due and unpaid on January 1st next ensuing, the Comptroller shall cause the said property to be advertised for thirty days and shall sell same to the highest bidder for cash, and should said sale not realize sufficient to pay the amount due to the city said franchise shall without further act be deemed and held forfeited to the city, which shall have the right to again dispose of same as provided in section 87, to any other person or corporation. Date when percentage of city shall be due.
To be secured by first mortgage privilege on property of corporation or person.
Comptroller to record same in Mortgage Office.
Penalty for delinquency.
Proceedings for collection.

XI.—REVENUES AND EXPENDITURES.

SEC. 92. That the Council of the city of New Orleans shall, for the purposes of this act, once at the first regular meeting in the month of December, and not Taxes, when Council shall levy.

- oftener, in each and every year, levy an annual and uniform tax upon all property in said city, as prescribed and under the limitations imposed in this act, for the ensuing year, which said taxes shall be due and payable at the office of the Treasurer, under such regulations as the Comptroller may establish, from the first day of June to the first day of August, inclusive, at the expiration of said date, first day of August, said taxes shall become delinquent; there shall be and is hereby imposed an interest penalty of 10 per cent. per annum on the amount of the tax due, which shall be collected by the city, together with and in the same manner as the tax; and at its first regular meeting in December, and on the same day annually thereafter, shall impose an annual license tax on trades, professions and callings as herein prescribed; said licenses to expire on the 31st day of December, in the year in which they were obtained, and which license tax shall be due and payable at the office of the Treasurer, from the first day of January to the 28th day of February, inclusive.
- When due and payable.**
- When delinquent.**
- Penalty.**
- Licenses, Council to impose.**
- When payable.**
- Budget.**
- Estimated statement of receipts and expenditures to be published for ten days.**
- Comptroller or Treasurer prohibited from warranting or paying, until adoption of appropriation.**
- SEC. 93. That the Council shall, once in twelve months, before fixing and deciding upon the amount of taxes and licenses to be assessed for the ensuing year, cause to be made out a detailed estimate, exhibiting the various items of liability and expenditures, including the requisite amount for all expenses during said year, and shall cause the same to be published for at least ten days, in the official journal of the city, and such rate of taxation as provided by law, on every hundred dollars of valuation, shall thereafter be fixed and assessed as, together with other revenues of the city, may be necessary to meet said estimated liabilities and expenditures. The adoption of said detailed estimates shall be considered as the appropriation of the amount therein stated, for the purpose therein stated, and the Comptroller shall not audit nor shall the Treasurer draw or sign any checks upon the fiscal agent therefor, of any claims unless an appropriation therefor has been duly made in accordance with this act.

SEC. 94. The Council, in fixing the budget of revenue

and expenses, as herein provided for, shall not consider and adopt as a revenue, miscellaneous or contingent resources, and affix thereto either arbitrary or nominal value or amount; but whenever such resources are considered and adopted they shall be estimated on a real and substantial basis, giving the source whence to be derived, a specific sum to be received from each item thereof and no more. The Council is hereby prohibited from estimating for expenditures to be derived from any uncertain or indefinite source, cause or circumstance; but the Council shall, by proper ordinances, provide for the receipt and disbursement of any sums of money, interests, rights or credits that may accrue to the corporation, by behest, grant or any cause whatever; and all such sums, rights, interests or credits so received shall be and are hereby appropriated for the purpose of the public works and improvements, the manner and details of such appropriations to be ordered by the Council.

Council not to consider miscellaneous or contingent resources in budget of receipts.

Revenues to be reserved for the public works and improvements.

SEC. 95. The Council shall not, under any pretext whatever appropriate any funds for the government of the corporation to the full extent of the estimated revenues, but shall reserve 20 per cent. of said estimated revenues, which reserve, and all sums, rights, interest and credits received from miscellaneous or contingent sources, shall be appropriated by the Council, for the purpose of public improvements, as herein provided for.

Reserve Fund.

Limit of appropriations.

SEC. 96. That all the real and personal property in the city of New Orleans, whether owned by individuals or corporations, shall, for the purposes of this act, be liable to taxation, subject only to the exemptions in the Constitution of this State; the terms of real estate as used in this act shall be construed to include land and all buildings, machinery and structures of every kind, erected upon or affixed to the same, all immovable property, whether so by nature or destination; the term personal property shall be construed to include all household furniture, moneys, jewelry and plated goods or wares, goods, chattels, incomes, debts from solvent debtors, whether on account, contract, note, due bill, bond mortgage, certificate sale, stock or share of stock

Property subject to taxation.

Real estate.

Personal property.

Income.

in any incorporated bank, railroad or other institutions, certificate, or any other obligations, public stock, all stocks, moneyed or otherwise, and general property which is not real and known to the law of the State as movable; the term income shall be construed to include all moneys, salaries, wages, pay, commissions, brokerage and fees received in compensation for labor and services rendered, all revenues and dividends received upon stocks in moneyed corporations not already taxed.

XII.—PUBLIC IMPROVEMENTS.

Paving unpaved streets or banquettes.

SEC. 97. Whenever one-fourth of the owners of real property fronting on any unpaved or unbanquetted street in the city of New Orleans shall, by petition signed by the petitioner or petitioners, and addressed to the Council of said city, asking for the paving or banquetting of said street or any portion thereof, setting forth the character or quality of said pavement or of said banquetting, said Council shall have said petition published in English in the official journal of said city for and during four weeks, once in each week, and if at the expiration of said publication so made of said petition a majority of the owners of real property fronting on said streets or said portions thereof shall not, by memorial signed by memorialist or memorialists and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said paving or said banquetting so petitioned for to be made, in accordance with section 116 of this act.

How petition of property owners shall be presented and published.

Protests, when and how considered.

Cost of paving streets.

The cost of said paving shall be borne, three fourths by owner or owners of real property fronting on said pavement in case of ordinary streets and two-thirds in case of neutral ground streets in equal proportions according to the running foot front, and the cost of one-fourth or one-third as the case may be, of said pavement in front of private property and whole of intersections shall be borne by the city. The property portion to constitute a first privilege superior to vendor's lien or any other privilege or mortgage. The whole cost of banquetting to be borne by real estate fronting

Banquetting, cost of to be paid by property owners.

on said banquette in equal proportions. Upon the petition of real estate owners asking that payments be provided for their portion of cost in one, two and three equal installments, the Council may advertise for bids upon said terms, and contract for said paving, say one-third payable in cash and balance in one and two years, and providing that six per cent. interest be paid on such deferred payments, and that the lien on such property shall remain in force for the amount due for principal and interest till final payment is made; provided, that nothing herein shall be construed as affecting act 75, approved March 30, 1876, as to the paving of neutral grounds, or streets adjacent to the levee, or other parts of said statute not inconsistent with this act.

SEC. 98. Whenever one-fourth of the owners of real property, fronting on any paved or banquetted streets of this city, shall by petition signed by the petitioner or petitioners, and addressed to the Council of said city, ask for new paving or a new banquetting of said street, or of any portion thereof, of a character different from the then existing pavement or banquettes of said street, or of said portion thereof, and setting forth in said petition the character and quality of said new pavement, or of said new banquetting, the Council shall cause said petition to be published in the manner set forth in the above section, and if, at the expiration of said publication so made of said petition, a majority of the owners of said real property fronting on said street, or on said portion thereof, shall not by petition or otherwise signed by the petitioner or petitioners, and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said new pavement or said new banquetting so petitioned for to be made in accordance with section 116 of this act; the whole cost of said new pavement or of said new banquetting, so made as aforesaid, shall be borne by the owner or owners of said real property fronting on said new pavement or said new banquettes, in equal proportions, according to the running front foot, cost of inter-

Terms, when
so petitioned
for.

Neutral
grounds, etc.

Change of
pavements.

How and in
what manner
same shall be
considered.

Cost of, to be
borne by the
property own-
ers.

Opening and
straightening
of streets.

Manner of
procedure.

Cost of.

Petitions for
not to be pre-
sented in cer-
tain months.

Cost of pub-
lication of pe-
titions.

Majority of
property own-
ers defined.

SEC. 99. That whenever one-fourth of the owners of real property, situated in the city of New Orleans, shall by petition signed by petitioner or petitioners and addressed to the Council of said city, ask for the opening or straightening of a street or streets through their property and through other property adjacent thereto, setting forth in said petition the length, width and direction of said street or streets, together with the description of said adjacent real property and the names of the owners thereof, said Council shall, if it deems the same for the public benefit, cause said petition to be published as provided in Sec. 97, and if at the expiration of said publication so made of said petition, a majority of the owners of said other adjacent property shall not, by petition, signed by the petitioners and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said street or streets so petitioned for to be opened, widened or straightened, under and in accordance with existing laws, and the whole cost of said opening, widening and straightening of said street or streets, so made as aforesaid, shall be borne by the owners of the property benefited by the same; provided, that no petition for opening, widening or straightening streets shall be presented to the Council during the months of July, August and September.

SEC. 100. All cost of publication of petitions, as required by sections 97, 98 and 99 of this act, shall be paid by the signers of the same, and the majority of owners within meaning of sections 97, 98 and 99 of this act shall be construed to be the owner or owners of a majority of running feet of real property fronting on the street or portion of street to be paved, banquetted, or new paved or new banquetted in accordance with sections 97 and 98 of this act, and further, the majority of owners, within the meaning of section 99 of this act, shall be construed to be owner or owners of a majority in assessed value of the property to be affected by the opening, widening or straightening of a street or streets in accordance with section 99 of this act.

SEC. 101. All paved or unpaved streets and unpaved banquettes in the city of New Orleans shall be kept in repair by said city, and all paved banquettes in said city shall be kept in repair by the owners of real property fronting thereon.

Repairs of streets and banquettes.

SEC. 102. The City Council of New Orleans may, in its discretion, provide for the paving of any street, or portion thereof, at the expense of the whole city, or may force, impose and collect of the front proprietors of lots fronting on said street or streets, a special assessment in proportion to frontage of three-quarters of the cost of said improvement in case of ordinary streets, and two-thirds the cost thereof in case of neutral ground streets, and such local assessments shall have a first privilege superior to vendor's lien and privilege and over all other privileges. The other one-fourth or one-third, as the case may be, in addition to intersections, to be paid by the city.

Right of Council to pave streets.

SEC. 103. The Council may, in its discretion, provide for the paving of any banquette or sidewalk, seven-eighths of the whole cost including intersections, to be paid for by the front proprietors in proportion to the frontage owned by such, upon completion of the paving, and the remaining one-eighth to be paid for by the city. The cost of said banquette or sidewalk shall have a first privilege, superior to vendor's lien and privilege, and over all other privileges and mortgages on the property fronting on said sidewalk.

Right of Council to pave banquettes.

SEC. 104. A two-thirds vote of the City Council shall be necessary to pass any paving or banquetting ordinance falling within the provisions of the two preceding sections, and whenever the Council shall deem it necessary to take such action notice of said intention shall be published in the official journal once a week for four weeks, no further notice being required; provided, a majority of the property holders, in number and measurement, on the street or sidewalk, or part thereof, sought to be paved or banquetted, shall have the right to designate the particular kind of banquette or pavement and material to be used in banquetting or paving,

Two-third vote of Council necessary under Secs. 102 and 103.

Nature of intention to be published.

Majority of property owners may designate particular kind of pavement or banquetting within sixty days.

Terms.

by petitioning the Council therefor, within sixty days after the expiration of the four weeks' publication above provided for. Whenever the Council exercises the powers vested in it by this and the two preceding sections, it shall in all cases provide that the property holders' proportion of the cost of paving shall be paid on terms not less favorable than one-third cash, and the balance in one and two years; and the certificates issued by the City Engineer for the paving or banquetting shall bear six per cent. interest per annum from date until paid; provided that the right is reserved to property owners to pay cash in full at any time.

Comptroller to address written notice to property owners of intention to pave street.

SEC. 105. In all cases where it is proposed to pave any street, whether upon the petition of the property owners or in the discretion of the Council, it shall be the duty of the Comptroller to address a written notice to all property holders upon said street, who appear to be such by the last completed assessment roll; said notice shall state that it is proposed to pave the street and to levy upon the front proprietor an assessment to pay his proper proportion of the cost thereof, and it shall be sufficient to mail said notices addressed to the property holder, city of New Orleans, without designation of street or number; this provision, however, is merely directory, and the failure to send such notice by the Comptroller shall not invalidate any paving ordinance, resolution or contract; but should the Comptroller fail to send any such notices he shall be deemed guilty of nonfeasance in office and liable to removal. The Comptroller shall keep in his office a proper record of the mailing of such notices.

Failure of Comptroller to send notices.

XIII.—MISCELLANEOUS PROVISIONS.

Ineligibility of members of Council.

SEC. 106. No member of the City Council shall hold any other employment or office under the government of the city of New Orleans while he is a member of said Council; and no member of the Council or any other officer or employee of the corporation shall be directly or indirectly interested in any work, business or contract, or the profits which might be derived therefrom,

the expense, price or consideration of which is paid from the City Treasury, or by any assessment levied by any ordinance or resolution of the Council, nor shall be surety for any person having a contract, work or business with said city or any of its departments for the performance of which security may be required, nor shall be surety for any officer or employee under this corporation.

SEC. 107. All the officers and members of the city government are required and commanded to attend personally to the duties of their office, and are prohibited from absenting themselves from the city of New Orleans unless by due permission of the Council, previously granted, for reasonable causes stated and approved. They shall keep their office open from nine o'clock in the morning until four o'clock in the evening, and shall require their employees and clerks to be and remain there during those hours.

Absence of officers and members of city government without permission of Council prohibited.

Office hours.

SEC. 108. No person shall hold more than one office of profit in any department, and no person shall hold any office of profit under this city government while holding any other office of profit or trust under the United States, or State of Louisiana, except in the militia, or that of notary public.

Officers prohibited from holding more than one office.

SEC. 109. No officer or employee under this government shall receive or share in any present, fee, gift or emolument for official services rendered, or to be rendered, other than his regular salary or pay, and for violation of this provision such officer or employee shall be liable to removal or dismissal by the proper authorities.

Officers, and employees prohibited from receiving presents, fees, gift or emoluments.

SEC. 110. No officer or employee shall be a member of or delegate to any political committee or convention; any violation of this provision shall work a forfeiture of his office, and it shall be the duty of the proper authorities to remove or dismiss him.

Officers and employees prohibited as members or delegates to political committees or conventions.

SEC. 111. That on the first of January and July of each and every year each head of departments of the city government shall lay before the Council an estimate of the supplies and materials (within the limitations of the appropriation made in the budget for his department)

Estimates for materials and supplies.

Heads of Departments to furnish Comptroller at stated periods.

that may be needed in his department during the current six months, and the City Council shall approve or modify, in its discretion, said estimates, and shall thereupon direct the Comptroller to advertise and adjudicate the contract to furnish said supplies and materials, or so much thereof as may be needed, to the lowest bidder, as provided in section 116 of this act.

Wharves and landings and lease or sale of city property.

SEC. 112. That the City Council shall have no power to make or renew, or extend any lease of the wharves or landings, or any lease or sale of city property except after not less than thirty days' advertisement and free competition and adjudication thereof by the Comptroller to the highest or lowest bidder, as the case may be, according as the specifications of said lease or sale may require.

How same shall be entered into.

SEC. 113. That the City Council be and is hereby prohibited from making any contract with reference to or payable out of any appropriation of the surplus fund of any year, except to the extent that such surplus fund shall exist in cash in the City Treasury at the time of the making of said contract or appropriation.

Surplus funds, Council prohibited from making contract, except when funds are in City Treasury.

Contracts for amounts between \$250 and \$500.

How executed.

SEC. 114. All contracts involving more than two hundred and fifty and less than five hundred dollars in amount shall be in writing, signed and executed in the name of the city by the head of the appropriate department and approved in writing by the Mayor and a majority of the executive officers before same shall be binding upon the city.

Sealed proposals, Comptroller to carefully guard.

SEC. 115. In all cases in which sealed proposals are provided for in this act it shall be the duty of the Comptroller to carefully guard the same, and it is hereby made a misdemeanor, punishable by fine of not less than two hundred and fifty dollars, or imprisonment of not less than three months, or both, for any person to break or tamper with the seals of said sealed proposals, or open the same except in the manner and at the time provided by law.

Penalty for tampering with.

Contracts in excess of \$500—How same shall be awarded.

SEC. 116. All contracts for public works, or for materials and supplies, ordered by the Council, exceeding five hundred dollars in amount, shall be offered by the

Comptroller by public auction, after ten days' advertisement, and given to the lowest bidder, who can furnish security satisfactory to the Council; or same shall, at the discretion of the Council, be advertised for proposals to be delivered to the Comptroller in writing, sealed, and to be opened by the Comptroller in the presence of the Finance Committee of said Council, and given to the person making the lowest proposal therefor, who can furnish security satisfactory to the Council, provided, that the Council shall have the right in either case to reject any and all bids or proposals; provided further, that in cases of grave emergency the heads of the various departments may, with written consent of the Mayor, make bills for supplies or materials, but in all such cases an immediate report in writing of the making of such bill shall be made by the head of such department to the Mayor, setting forth the reason of his action, which report shall be laid by the Mayor before the Council, and shall receive the approval of that body before the bill shall be paid.

Emergency.

SEC. 117. Any judicial proceedings where by law, bond and sureties are required from litigants, the city of New Orleans shall be dispensed from furnishing bond and security.

Security.

SEC. 118. Whenever an action is brought against the city on a claim on which the city would have a right of action over against another person or corporation, either upon a contract, bond or other obligation of whatever nature, the city may in its answer to such action require such person or corporation to be made co-defendants therein; and if such right of action on the part of the city over against such person or corporation is upon a bond or contract with sureties, the city may also require the sureties on such bond to be made co-defendants, in which case it shall attach a copy of such bond or contract to its answer, and thereupon such co-defendants may make any defence to such claim that the city may make, and shall be liable to pay the judgment, if any, rendered against the city and said co-defendants, or any of them; and shall be primarily liable on such judg-

Actions
against city,
where city
has a right of
action against
another person
or corporation.

Said person
or corporation
to be made co-
defendant in
suit.

ments; but if the city shall at any time pay the whole or any part of such judgment it shall thereupon, to the extent of such payment, have and be subrogated to all the rights and remedies against such co-defendants upon such judgments as the plaintiffs have.

Contractors prohibited from allowing rebate or deduction to property holders.

SEC. 119. No person or corporation engaged in doing any street or banquette paving or other public work, under any contract, agreement or stipulation with the city of New Orleans or any department thereof, the cost, price or consideration of which is to be wholly or partially paid by local assessment on any property holder, or front proprietor, shall make, allow, or give, or promise, or agree to make, allow or give any rebate, deduction, gift or present, or any other valuable consideration whereby the actual sum due by said property holder, as his proportion, shall be in any way reduced or diminished, unless the same deduction or allowance shall be made to all persons liable for any part of such assessment, and to the city of New Orleans; and proof of any such discrimination against the city, or any such person liable to the assessment, shall be a complete and valid defence as against such persons or corporations, heirs or assigns doing such work, in any suit or action brought to enforce the same, or in any suit or action to recover the value of such work either against the city or any property holder thus discriminated against.

Penalty.

Property of the city.

SEC. 120. That all the rights, title and interests of the city of New Orleans as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, walks, markets, stalls, levees, landing places, buildings and other property of whatever description and wherever situated, with all goods, papers, moneys, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions, rights of action, books, accounts and vouchers, be and they are hereby vested in the city of New Orleans as incorporated by this act.

Mississippi river.

SEC. 121. Whenever the word river is used in this act the Mississippi river is meant; and where a name of a street is used as a boundary the middle of the street is to be taken as the boundary.

XIV.—SCHEDULE.

SEC. 122. This act shall take effect in all respects after due promulgation as provided by law; except that the various municipal officers and Councilmen elected at the general election held April 21, 1896, shall continue in office until the expiration of the term for which they were elected, and until their successors are duly qualified.

When act
shall take
effect.

Officers and
councilmen to
hold over.

SEC. 123. Should the constitutional restriction limiting the salary of municipal officers of New Orleans to thirty-five hundred dollars be not removed before this act takes effect, then, and until such restriction be removed, the several officers under this charter whose salaries exceed said constitutional limit shall receive each the salary of thirty-five hundred dollars per annum; otherwise, and as soon as same shall be removed, they shall receive the salaries herein mentioned; provided, that until such restriction be removed the City Attorney may engage in private practice if the same does not interfere with the orderly administration of his official duties.

Salary of offi-
cers, when
effective under
this act.

SEC. 124. The first election under this charter shall be held on the Tuesday next following the third Monday in April, 1900 (unless the Legislature shall hereafter designate some other time, in which case it shall be held at that time), and elections shall be held every four years thereafter on the Tuesday next following the third Monday in April.

First election
under act.

SEC. 125. All laws or parts of laws in conflict or inconsistent herewith are hereby repealed.

Repealing
clause.

S. P. HENRY,

Speaker of the House of Representatives.

R. H. SNYDER,

Lieutenant-Governor and President of the Senate.

Approved July 7, 1896:

MURPHY J. FOSTER,

Governor of the State of Louisiana.

A true copy:

JOHN T. MICHEL,

Secretary of State.

INDEX TO CITY CHARTER OF 1896.

	PAGE.	SEC.
AMUSEMENTS	xxiv	15
APPORTIONMENT	xvi	2
APPROPRIATION—Limit of	lv	95
ATTORNEY (CITY)—		
Appointment and qualification of	xxxvi	36
Duties of	xxxvi	36
Salary of	xxxvii	36
Assistants	xxxvii	36
Private practice prohibited	xxxvii	36
Private practice	lxv	123
Term of office	xxxvii	36
Vacancy, how filled	xliv	78
BANQUETTES—		
Paving and cost of	lvi	97
Repaving of	lvii	98
Repairs to	lix	101
Council may order paving of and cost	lix	103
BAR-ROOMS, CONCERT SALOONS, ETC.—		
Permission to establish	xxv	21
BATTURE	xxiv	15
BOUNDARIES OF THE CITY OF NEW ORLEANS	xi	1
Wards	xii	2
Municipal districts	xxvi	2
Representative districts	xii	2
Boundary line	lxiv	121
BUDGET—		
Council to publish for ten days	liv	93
CITY ATTORNEY (see Attorney).		
CITY NOTARY (see Notary).		
CITY COUNCIL—		
Election of members of	xvi	2
Organization of	xix	5
Qualifications and election of members	xx	9
Compensation to members of	xxi	10
President of and salary	xxi	11
Clerk of and salary	xxi	11
Sergeant-at-arms and salary	xxi	11
Exclusively judges of election of members	xxi	12
Expulsion of members of	xxi	12
Authority of, to compel attendance and punish	xxi	13
To administer oath	xxi	13
Powers and duties of	xxii	14

	PAGE.	SEC.
CITY COUNCIL—Continued.		
Ordinances, how adopted.....	xxiv	16
Meetings of, and sessions to be open.....	xxv	17
To organize departments.....	xxv	18
To fix compensation of employees.....	xxv	19
Barrooms, to obtain permission.....	xxv	21
To compile votes for Mayor and other officers.....	xxvi	23
Rights of officers to seats in the.....	xxvii	26
Special meetings, how called.....	xxvii	27
To provide appropriation for civil service com- sioners.....	xlili	53
To fill vacancy of Comptroller and Treasurer.....	xlix	77
To fill vacancy of Recorders.....	xlix	79
To fill vacancy of Councilmen.....	xlix	79
Power of Council to remove officers.....	l	85
Streets, may order the paving of.....	lix	102
Banquettes, may order the paving of.....	lix	103
Ineligibility of members.....	lx	106
CITY ENGINEER—		
Appointment and qualification of.....	xxxv	34
Removal of.....	xxxv	34
Salary of.....	xxxv	34
Duties of.....	xxxv	34
To appoint Deputy Surveyors.....	xxxv	35
Private surveys prohibited.....	xxxvi	35
Vacancy, how filled.....	xlix	78
CITY OF NEW ORLEANS—		
Boundaries of.....	xi	1
Property of, how leased or sold.....	lxii	112
Dispensed from furnishing bond in litigation.....	lxiii	117
Actions against, where third persons interested.....	lxiii	118
Property of.....	lxiv	120
CIVIL SERVICE COMMISSIONERS—		
Appointment, qualification and salary of.....	xxxviii	39
Term of office.....	xxxviii	39
Removal of.....	xxxviii	39
Vacancy in office, how filled.....	xxxix	40
Secretary and assistants.....	xxxix	41
Classification of offices.....	xxxix	42
Authority to make rules for examination.....	xxxix	43
Examinations to be free, and competitive.....	xxxix	44
Religious and political questions prohibited.....	xl	44
To publish date and place of examination.....	xl	45
Register to be kept.....	xl	46
Promotions in civil service.....	xli	47
Appointment to classified service.....	xli	48
Appointment to be on probation.....	xli	48
Appointment, when permanent.....	xli	48

	PAGE.	SEC.
CIVIL SERVICE COMMISSIONERS— <i>Continued.</i>		
Appointment, temporary.....	xli	48
Employees in classified service dismissal, to be investigated	xlii	49
Annual report of Board	xliii	52
Office of Commissioners.....	xliii	53
Appropriation for.....	xliii	53
Examinations to be secret.....	xliii	54
Employees prohibited from receiving or paying political assessments	xliii	55
Applicant prohibited from offering rewards.....	xliv	58
Officers of city not to use office for nomination.....	xliv	59
Comptroller prohibited from paying persons employed in violation of act.....	xliv	60
Penalty for failure to appear or produce books when Subpoenaed.....	xlv	61
Penalty for falsely swearing.....	xlv	61
Violating provision of act—penalty.....	xlv	62
Conviction for violation to vacate office.....	xlv	63
District Attorney to prosecute	xlv	64
Police Commissioners—act of amended.....	xlvi	66
Fire Commissioners—act of amended.....	xlvi	67
COMBUSTIBLES	xxiii	14
COMPTROLLER—		
Election and qualification of.....	xxvi	22
Duties of.....	xxix	30
To deduct indebtedness of claimants when matured.....	xxx	30
Reports of.....	xxx	30
Bond of.....	xxxi	30
Salary of	xxxi	30
Prohibited from paying persons employed in violation of Civil Service rules.....	xliv	60
Vacancy, how filled.....	xlix	77
Returns of corporations to receive.....	lxi	88
To address notice to property owners of intended paying	lx	105
Sealed proposals, to safely guard.....	lxii	115
CONTRACTS AND CONTRACTORS—		
City Attorney to approve before completion.....	xxxvi	36
How executed between \$250 and \$500.....	lxii	114
In excess of \$500.....	lxii	116
Contractors prohibited allowing rebate.....	lxiv	119
DEPARTMENTS OF GOVERNMENT—		
Organization of.....	xxv	18
Heads of, to appoint Chief Clerk and Deputy.....	xxv	18
DEPOSITARY—		
Council to select, qualifications, etc.....	xxxi	31

	PAGE.	SEC.
DRAINAGE—		
Council to provide for	xxiii	14
ELECTIONS—		
Members of Council, how chosen	xvi	2
Officers, manner of election	xix	3
Term of office.....	xix	3
Qualification of electors.....	xix	4
Returns of	xix	5
Contested.....	xx	6
Officers, of Executive Departments.....	xxvi	22
First under act.....	lxv	124
EMPLOYEES (see "Civil Service Commissioners")—		
Office hours	lxi	107
Gifts, rewards, etc., prohibited.....	lxi	108
Political gatherings, etc., attendance prohibited.....	lxi	110
EXECUTIVE DEPARTMENTS.....	xxv	22
Qualification, election and appointments of heads of.....	xxv	22
Chief clerk or deputy of	xxvi	25
Mayor to consult with heads of.....	xxviii	27
Reports of heads of, to Mayor.....	xxxviii	27
Heads of, may suspend employees	xlili	49
Heads of, to notify Civil Service Commissioners of appointments, etc.	xlili	50
Heads of, to furnish estimates to Comptroller.....	lxi	111
EXPENDITURES—		
Budget of, to be published	liv	93
FIRE DEPARTMENT—		
Council to maintain.....	xxiii	4
Appointment and promotion in	xlvi	67
FRANCHISES—		
Ordinances granting same, how adopted.....	li	86
Street and Belt Railroad, to be advertised and sold on precentage	lii	87
Penalty for making false return of gross earnings.....	lii	89
GAMBLING HOUSES	xxiv	15
HEALTH—		
Council to maintain, of city.....	xxii	14
HOUSES OF PROSTITUTION.....	xxiv	15
IMPEACHMENT AND REMOVAL—		
Of city officers.....	xliv	80
Committee of.....	l	81
Court of.....	l	82
Proceedings in.....	l	83
Judgment	l	84
Power of Council to remove officers, etc	l	85
LEGISLATIVE POWERS	xx	9

	PAGE.	SEC.
LICENSES—		
Council to impose	liii	92
When payable	liv	92
MAYOR—		
Election, qualification and duties of	xxvii	27
To reports officers and employees to Council	xxvii	27
To consult with executive officers	xxviii	27
Responsible for conduct of officers	xxviii	27
Salary of	xxviii	27
To approve ordinances	xxviii	28
To appoint Civil Service Commissioners	xxxviii	39
Vacancy, how filled	xl ix	76
MISSISSIPPI RIVER	lxiv	121
NOTARY—CITY		
Appointment, qualification and removal of	xxxvii	37
To submit contracts to City Attorney	xxxvii	37
Fees	xxxvii	37
Vacancy, how filled	xl ix	78
OFFICERS—		
Term of	xix	3
Compilation of votes of	xx	5
Contest of election of	xx	6
Oath of office	xx	7
To hold over	xx	8
Election, appointment and qualification of	xxvi	22
Council to compile vote of	xxvi	23
Signature of	xxvi	24
Ineligibility of	lx	106
Absence from city	lxi	107
Prohibited from holding more than one office	lxi	108
Gifts and presents prohibited	lxi	109
Prohibited from political gatherings	lxi	110
Salary of under act, when effective	lxv	123
Elected April, 1896, to hold over	lxv	122
Office hours	lxi	107
ORDINANCES—		
Manner of adopting	xxiv	16
Majority of Council elected necessary	xxv	17
Mayor to approve and publish	xxviii	28
Veto of	xxviii	28
Franchises, how same shall be adopted	li	86
Lighting or sewerage, how same shall be adopted	lii	87
Street and Belt Railroads, how same shall be adopted	lii	87
OFFICIAL JOURNAL	xxix	29
Ordinances and proceedings of Council to be published in	xxix	29
How selected	xxix	29
Franchises, valuable to be published three months in	lii	87

	PAGE.	SEC
POLICE DEPARTMENT—		
Council to provide and maintain	xxiii	14
POLICE DEPARTMENT—		
Appointments and promotions in	xlvi	66
Commissioners to detail officers to recorders	xlvi	71
POLICE AND PUBLIC BUILDINGS (COMMISSIONER OF)—		
Appointment and removal of	xxxiv	33
Duties of	xxxiv	33
Fire and police telegraph, appointments	xxxiv	33
Bond of	xxxiv	33
Salary of	xxxiv	33
Right to seat in Council	xxvii	26
Vacancy how filled	xlix	78
PROPERTY—		
Subject to taxation	lv	96
Real and personal defined	lv	96
PROPERTY OWNERS—		
Petitions of for paving	lvi	97
Protests of for paving	lvi	97
May designate kind of pavement	lix	104
Majority of defined	lviii	100
PUBLIC WORKS (COMMISSIONER OF)—		
Appointment and qualification of	xxxiii	32
Removal of	xxxiii	32
Duties of	xxxiii	32
Reports of	xxxiii	32
Bond of	xxxiii	32
Salary of	xxxiii	32
Right to seat in Council	xxvii	26
Vacancy, how filled	xlix	78
RAILROADS—		
Power of Council to authorize	xxiv	15
Penalty for constructing without lines from C. E.	xxxvi	35
Street and Belt privileges to be advertised, and sold on percentage	lii	87
RECORDERS—		
Courts and jurisdiction	xlvi	68
Qualification and election of	xlvi	69
Salary of Recorders and employees	xlvi	69
To appoint employees	xlvi	69
Testimony clerks, duties of	xlvi	70
Police Board to detail officers	xlvi	71
Removal of	xlvi	72
Jurisdiction of	xlvi	73
Fines, imposed by	xlvi	74
Pro-tem	xlix	75
Vacancies, how filled	xlix	79
RESERVE FUND	lv	95

	PAGE.	SEC.
REVENUES—		
Taxes and licenses, when levied	liii	92
Budget of, to be published	liv	93
SALARIES—		
Members of Council	xxi	10
President of Council	xxi	11
Employees, Council, to fix	xxv	19
Increase of officers, prohibited	xxv	20
SCHOOLS—		
Council to maintain public	xxiii	14
SEALED PROPOSALS—Comptroller to guard	lxii	115
SECURITY—City dispensed from furnishing	lxiii	117
STREETS—		
To open and keep free from obstruction	xxii	14
Repairs of	xxii	14
Paving of	lvi	97
Pavements, change of	lvii	98
Opening, straightening or widening of	lviii	99
Petitions for paving of—cost of publishing	lviii	100
Repairs of	lix	101
City Council, right to order the paving of	lix	102
Proceedings, when Council so orders	lix	104
Comptroller to address notice to property owners of intended paving	lx	105
SURVEYORS, DEPUTY—		
Appointment of	xxxv	35
Bond of	xxxv	35
Fees of	xxxv	35
Duty of	xxxvi	35
TAXES—		
Council, to levy annually	liii	92
When due and delinquent	liv	92
Penalty	liv	92
TREASURER—		
Election and qualification of	xxvi	22
Duties of	xxxi	31
Bonds of	xxxii	31
Salary of	xxxii	31
Vacancy, how filled	xlix	77
VACANCIES	xlix	76-79
WARDS—		
Boundaries of	xli	2
WHARVES AND LANDINGS—		
Council to construct and maintain	xxiii	15
Lease of, how same shall be awarded	lxii	112



CHARTER — OF THE — CITY OF NEW ORLEANS,

APPROVED JUNE 23, 1882.

AND ACTS AMENDATORY THERETO.

[No. 20.]

AN ACT

To incorporate the City of New Orleans, provide for the government and administration of the affairs thereof; and to repeal all acts inconsistent and in conflict with its provisions.

Due public notice having been given according to requirements of Article 48 of the Constitution.

Be it enacted by the General Assembly of the State of Louisiana:

SECTION 1. That all the inhabitants of the parish of Orleans, as now bounded by the following boundaries: The Mississippi river from the lower line of the United States Barracks to Upperline street, upper side of Carrollton and along the centre of Upperline street to Upperline Canal and thence along the centre of Upperline Canal to Lake Pontchartrain, and thence along the shore of Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Fishermen's Canal, and thence along Fishermen's Canal to the line of the south side of Florida Walk, and thence along said line of Florida Walk to the lower line of the United States Barracks, and thence along the United States Barracks to the Mississippi river, to the point of departure.

The Fifth District of the City of New Orleans is situated on the right bank of the Mississippi river, and is bounded by a line established by the State Engineers

beginning at a point near the river bank opposite Ptolemy street, thence running as follows, viz:

South 40 deg. 30 min., east 4 miles and about 1080 feet south 30 deg. 10 min., west about 620 feet.

Thence along the back line of properties south 57 deg. east 2143 min. $4\frac{1}{2}$ sec.

North 20 deg. 45 min., east 1910 min. 7 sec.

South 53 deg. 30 min., east 5162 min. 2. sec.

North 6 deg. 15 min., east 4932 min. 7 sec. to township line one mile 138 min. $9\frac{3}{4}$ sec.

South 76 deg., east 311 min. $4\frac{1}{4}$ sec. to township line 445 min. 10 sec.

South 72 deg., east 947 min. $9\frac{1}{2}$ sec.

South 65 deg., east 955 min. to range line 1337 min. 8 sec.

South $83\frac{1}{2}$ deg., east 860 min. 6 sec.

North 61 deg. 7 min., east 524 min. 7 sec. to range line 1366 min. 6 sec.

South 81 deg. 15 min., east 2368 min. 6 sec. to range line 4383 min. 2 sec.

South 61 deg. 53 min., east $1\frac{1}{2}$ miles and about 2770 min. 2 sec.

South 31 deg. 35 min., east $1\frac{1}{2}$ miles and 2163 min. to line of Jeanne Lassalles and thence up the Mississippi river to the point of departure.

City of New
Orleans.

Is hereby created a body corporate and established as a political corporation by the name of "The City of New Orleans," with the following power and no more:

It shall have a seal and may sue and be sued and may acquire property, by purchase, accretion, donation, "inter vivos" and "mortis causa," prescription or any other lawful mode, and hold and dispose of the same.

Legislative
powers.

SEC. 2. The legislative power of said corporation shall be vested in a Council composed of thirty members. They must be citizens of the State not less than twenty-five years of age, residents of the districts from which elected, residents of New Orleans for five years preceding their election.

APPORTIONMENT.

The First Representative District, First Ward, bounded as follows, viz: From the Mississippi river along the centre of Thalia street to the intersection of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Felicity Road to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman. First Representative District.

The Second Representative District, Second Ward, bounded as follows, viz: From the Mississippi river along the centre of Julia street to the New Canal, and thence along the centre of New Canal to Carrollton avenue, thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to the centre of Claiborne Canal, and thence along the centre of Claiborne Canal to the centre of Thalia street, and thence along the centre of Thalia street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect two Councilmen. Second Representative District.

Third Representative District, Third Ward, bounded as follows, viz: From the Mississippi river along the centre of Canal street to the old Metairie Road, and thence along the centre of the old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Rampart street, and thence along the centre of Rampart street to the centre of Julia street, and thence along the centre of Julia street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect three Councilmen. Third Representative District.

Fourth Representative District, Fourth Ward, bounded as follows, viz: From the Mississippi river along the centre of Canal street to the Old Metairie Road, thence along the centre of the Old Metairie Road to New Canal, thence along the centre of New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to Orleans Canal, thence along the centre of Orleans Canal to the Metairie Road, thence along the Old Metairie Road to St. Louis Fourth Representative District.

street, thence along the centre of St. Louis street to the Mississippi river, thence along to the point of departure, shall elect one Councilman.

Fifth Representative District.

Fifth Representative District, Fifth Ward, bounded as follows, viz: From the Mississippi river along the centre of St. Louis street to the Old Metairie Road, thence along centre of the Old Metairie Road to the centre of Orleans Canal, thence along the centre of said Canal to Lake Pontchartrain, thence along Lake shore to Bayou St. John, thence along the centre of Bayou St. John to St. Philip street, thence along the centre of St. Philip street to the Mississippi river, thence to the point of departure, shall elect two Councilmen.

Sixth Representative District.

Sixth Representative District, Sixth Ward, bounded as follows, viz: From the Mississippi river along the centre of St. Philip street to Bayou St. John, thence along the centre of Bayou St. John to Esplanade street, thence along the centre of Esplanade street to the Mississippi river, thence to the point of departure, shall elect one Councilman.

Seventh Representative District.

Seventh Representative District, Seventh Ward, bounded as follows, viz: From the Mississippi river along the centre of Esplanade street to Bayou St. John, and thence along the centre of Bayou St. John and cut-off to Lake Pontchartrain, and thence along Lake Pontchartrain to Elysian Fields street, and thence along the centre of Elysian Fields street to the point of departure, shall elect two Councilmen.

Eighth Representative District.

Eighth Representative District, Eighth Ward, bounded as follows, viz: From the Mississippi river along the centre of Elysian Fields street to Lake Pontchartrain, and thence along Lake Pontchartrain to Peoples avenue, and thence along Peoples avenue to Lafayette avenue, and thence along the centre of Lafayette avenue to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Ninth Representative District.

Ninth Representative District, Ninth Ward, bounded as follows, viz: From the Mississippi river along the centre of Lafayette avenue to the centre of

Peoples avenue, and thence along the centre of Peoples avenue to Lake Pontchartrain, and thence along Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fishermen's Canal, and thence along the Fishermen's Canal to the line of the south side of Florida Walk to the lower line of the United States Barracks, and thence along the line of the United States Barracks to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect two Councilmen.

Tenth Representative District, Tenth Ward, bounded as follows, viz: From the Mississippi river along the centre of Felicity Road to the Melpomene Canal, and thence along the centre of the Melpomene Canal to its intersection with First street, and thence along the centre of First street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect two Councilmen.

Tenth Rep-
resentative Dis-
trict.

Eleventh Representative District, Eleventh Ward, bounded as follows viz: From the Mississippi river along the centre of First street to the Melpomene Tail-race, and thence along the centre of Melpomene Tail-race to Toledano street, and thence along the centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect two Councilmen.

Eleventh Rep-
resentative Dis-
trict.

Twelfth Representative District, Twelfth Ward, bounded as follows, viz: From the Mississippi river along the centre of Toledano street to Broad street, thence along the centre of Broad street to Napoleon avenue, and thence along the centre of Napoleon avenue to the Mississippi river, and thence along the Mississippi river to point of departure, shall elect one Councilman.

Twelfth Rep-
resentative Dis-
trict.

Thirteenth Representative District, Thirteenth and Fourteenth Wards, bounded as follows, viz:

Thirteenth
Representa-
tive District.

Thirteenth Ward, From the Mississippi river along the centre of Napoleon avenue to Broad street, thence along

the centre of Broad street to Peters avenue, thence along the centre of Peters avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Fourteenth Ward, From the Mississippi river along the centre of Peters avenue to Broad street, and thence along the centre of Broad street to Toledano street, and thence along the centre of Toledano street to the Melpomene Tail-race, and thence along the centre of Melpomene Tail-race to Lowerline street, and thence along the centre of Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Fourteenth Representative District, Sixteenth and Seventeenth Wards, bounded as follows :

Sixteenth Ward, From the Mississippi river along the centre of Lowerline street to the Melpomene Tail-race, and thence along the centre of Melpomene Tail-race to Carrollton avenue, thence along the centre of Carrollton avenue to the Mississippi river, thence along the Mississippi river to the point of departure.

Seventeenth Ward, From the Mississippi river along the centre of Carrollton avenue to New Canal, thence along the centre of New Canal to Lake Pontchartrain, thence along Lake Pontchartrain to the Upperline Canal, thence along the centre of Upperline Canal and Upperline street to the Mississippi river, thence along the Mississippi river to the point of departure, shall elect one Councilman.

Fifteenth Representative District, Fifteenth Ward, bounded as follows, viz: All that territory situated on the right bank of the Mississippi river and bounded by a line established by the State Engineer, beginning at a point near the river bank opposite Ptolemy street, thence running as follows :

South 2 deg. 30 min., east 4 miles and about 1080 feet.

South 3 deg. 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 min. 4 sec.

North 2 deg. 45 min., east 1910 min. 7 sec.

South 53 deg. 30 min., east 5162 min. 2 sec.

North 6 deg. 15 min., east 4932 min. 7 sec. to township line 1 mile 138 min. $9\frac{3}{4}$ sec.

South 76 deg., east 311 min. $4\frac{1}{2}$ sec. to township line 445 min. 10 sec.

South 72 deg., east 947 min. $9\frac{1}{2}$ sec.

South 65 deg. 30 min. east 955 min. to range line 1337 min. 8 sec.

South 83 1-3 deg., east 860 min. 6 sec.

North 61 deg. 7 sec., east 524 min. 7 sec. to range line 1366 min. 6 sec.

South 81 deg. 15 sec., east 2368 min. 6 sec. to range line 4383 min. 7 sec.

South 61 deg. 53 min., east 1 1-2 miles and 277 min. 2 sec.

South 31 deg. 35 min., east 1 1-2 miles and 2163 min. lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure, shall elect one Councilman

First Municipal District, bounded as follows, viz: First Municipal District.
From the Mississippi river along the centre of Canal street to the old Metairie Road, and thence along the centre of the old Metairie Road to the centre of the New Canal, and thence along the centre of the New Canal to the centre of Carrollton avenue, thence along the centre of Carrollton avenue to the centre of Melpomene Canal, and thence along the centre of Melpomene Canal to its junction with Toledano street, and thence along the centre of Melpomene Canal until it intersects the centre of Felicity Road at Claiborne street, and thence along the centre of Felicity Road to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Second Municipal District, bounded as follows, viz: Second Municipal District.
From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and cut-off

to Lake Pontchartrain, and thence along Lake Pontchartrain to the centre of New Canal, and thence along the centre of the New Canal to the centre of old Metairie Road, and thence along the centre of the old Metairie Road to the centre of Canal street, and thence along the centre of Canal street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Third Municipal District.

Third Municipal District, bounded as follows, viz: From the Mississippi river along the centre of Esplanade street to the centre of Bayou St. John, and thence along the centre of Bayou St. John and cut-off to Lake Pontchartrain, and thence along the shore of Lake Pontchartrain to the Rigolets, and thence along the Rigolets to Lake Borgne, and thence along Lake Borgne to Bayou Bienvenue, and thence along Bayou Bienvenue to the Fishermen's Canal, and thence along Fishermen's Canal to the line of south side of Florida Walk, and thence along said line of Florida Walk to the lower line of the United States Barracks, and thence along the line of the United States Barracks to the Mississippi river, and thence along the line of the Mississippi river to the point of departure, shall elect one Councilman.

Fourth Municipal District.

Fourth Municipal District, bounded as follows, to-wit: From the Mississippi river along the centre of Felicity Road until it strikes the Melpomene Canal at Claiborne street, thence along the centre of Melpomene Canal to the intersection of Toledano street, and thence along the centre of Toledano street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Fifth Municipal District.

Fifth Municipal District, bounded as follows, viz: The Fifth Municipal District of the city of New Orleans is situated on the right bank of the Mississippi river, and is bounded by a line established by the State Engineer, beginning at a point near the river bank opposite Ptolemy street, and thence running as follows, to-wit:

South 42 deg. 30 min., east 4 miles and about 1080

feet, south 3 deg. 10 min., west about 620 feet, thence along the back line of properties.

South 57 deg., east 2143 min. 4 sec.

North 2 deg. 45 min., east 1910 min. 7 sec.

South 53 deg. 30 min., east 5162 min. 2 sec.

North 6 deg. 15 min., east 4932 min. 7 sec. to township line 1 mile 138 min. 9 3-4 sec.

South 76 min., east 311 min. 4 1-2 sec. to township line 445 min. 10 sec.

South 72 deg., east 947 min. 9 1-2 sec.

South 63 deg. 30 min., east 955 min. to range line 1337 min. 8 sec.

South 83 1-2 deg., east 860 min. 6 sec.

North 61 deg. 7 sec., east 524 min. 7 sec. to range line 1366 min. 6 sec.

South 81 deg. 15 sec., east 2368 min. 6 sec. to range line 4383 min. 7 sec.

South 61 deg. 53 min., east 1 1-2 miles and 277 min. 2 sec.

South 31 deg. 35 min. east 1 1-2 miles and 2163 min. lower line of Jeanne Lassales, thence up the Mississippi river to the point of departure, shall elect one Councilman.

Sixth Municipal District, bounded as follows, viz.: Sixth Municipal District.
From the Mississippi river, and thence along the centre of Toledano street until it strikes the Melpomene Canal Tail-race, and thence along the centre of Melpomene Canal until it strikes Lowerline street, and thence along the centre of Lowerline street to the Mississippi river, and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Seventh Municipal District, bounded as follows, viz.: Seventh Municipal District
From the Mississippi river along the centre of Lowerline street until it intersects the Melpomene Tail-race, and thence along the centre of Melpomene Tail-race to Carrollton avenue, and thence along the centre of Carrollton avenue to the centre of the New Canal, and thence along the centre of the New Canal to Lake Pontchartrain, and thence along Lake Pontchartrain to the Upperline Canal, and thence along the centre of Upper-

line Canal to Upperline street, and thence along the centre of Upperline street to the Mississippi river and thence along the Mississippi river to the point of departure, shall elect one Councilman.

Proviso.

Provided, That in each of the representative districts or wards, when the number of Councilmen to be elected from said representative districts or wards exceeds one, the said representative districts or wards shall be divided in equal portions by streets running parallel to the river as population corresponding to the number of Councilmen to which the said representative districts or wards are entitled; that the said Councilmen shall be selected, one from each of said subdivisions of said wards, the said Councilmen to be residents of their said respective subdivisions for at least one year previous to their nomination, the said Councilmen to be voted for and elected by the votes of the whole ward.

Organization
of the Council.

SEC. 3. The Council shall be exclusively the judges of the elections, qualifications and return of its own members, shall choose a president *pro tem*. without pay and a clerk at a salary not exceeding eighteen hundred dollars per annum, and a policeman as sergeant-at-arms.

First Meeting
of the Council.

SEC. 4. The persons appearing by the returns of Commissioners of Election at the polls to have been *prima facie* elected shall freely assemble together at the City Hall, at 12 o'clock M. on the Monday next after the election. The Mayor shall call the Council to order and shall be its presiding officer, and the old clerk shall act until his successor is chosen. The Mayor shall cause to be enrolled and shall administer the oath of office to those who appear, by the return of the commissioners, to have been elected, excluding the name of any one not so returned.

Expulsion
members. of

SEC. 5. The Council may expel one of its own members by a vote of two-thirds of all the members elected to such Council, five days' notice and an opportunity of being heard in his defence having been previously given said member, but no member shall be twice tried for the same cause.

SEC. 6. The Council or a committee thereof, duly authorized thereto by resolution, may, during the session of the Council or of such committee, punish by arrest and imprisonment any person who is guilty of disrespect, disorderly or contemptuous behavior in the presence of the Council or of such committee, may summon witnesses and compel their attendance and administer oaths by the president or chairman, compel witnesses to testify and to produce books and papers, and may punish them by imprisonment for failure to attend or refusal to testify or produce books and papers, but no such imprisonment shall exceed ten days for each offence.

SEC. 7. The Council shall have power, and it shall be their duty, to pass such ordinances and to see to their faithful execution as may be necessary and proper:

- (1) To preserve the peace and good order of the city.
- (2) To maintain its cleanliness and health and to this end (a) to adopt and provide an efficient system of drainage; (b) to provide for the inspection and cleanliness of all vaults, privies, yards, pools, markets, cemeteries; (c) to regulate the location of and inspection and cleansing of dairies, stables, cattle yards, landings and pens, slaughter-houses, soap, glue, tallow and leather factories, depositories for hides, and all places or business likely to be or become detrimental to health, and to adopt such ordinances and regulations as shall be necessary or expedient for the protection of health, and to prevent the spread of disease and to maintain a good sanitary condition in the streets, public places and buildings, and on all private premises. The Common Council shall provide for the frequent inspection of all premises by persons to be designated, either by the Common Council or by the Board of Health in the city; they shall also prescribe what water supply shall be provided by the owners of private premises and that all premises, yards, streets and alleys shall be kept in a cleanly condition; shall provide for the punishment of any violation of such ordinance or regulation, by fine or imprisonment or both; and all such fines, when recovered, shall be paid over to the Board of

Authority to
punish.

Powers and
duties of the
Council.

Peace and or-
der.
Cleanliness
and Health.

Health, to assist in its maintainance; (*d*) to suppress all nuisances; (*e*) to prevent the sale of adulterated or decayed food, and to punish the same; to punish the sale of adulterated drinks.

To open streets. (3) To open and keep open and free from obstruction all streets, public squares, wharves, landings, lake-shore and river and canal banks.

Repairs of streets and bridges. (4) To keep the streets and crossings and bridges and canals and ditches clean and in repair.

(5) To organize and provide an efficient police.

Lights. (6) To light the streets, wharves, landings and public squares.

(7) To organize and maintain free public schools.

Fires. (8) To provide for the extinguishing of fires.

Levees. (9) To maintain levees, dykes, and to protect the city from overflow.

SEC. 8. The Council shall also have power:

Streets. (1) To order the ditching, filling, opening, widening and paving of the public streets, and to regulate the grade thereof.

Cemeteries. (2) To regulate the public cemeteries, to order the manner of conducting the same and to order the closing of same.

(3) To compel the owners of any lot or lots to fill the same to a grade above the grades of the streets and to construct drains or gutters.

Public Squares. (4) To improve and embellish public squares and parks and places.

Wharves. (5) To prescribe and collect wharfage and levee dues and to erect sheds over the wharves and buildings, to protect merchandise and to make such charges therefor as will pay for the construction, keeping in repair, lighting and policing of such wharves and sheds and no more. The Council may lease or farm out the wharves and landings in section for a period not exceeding ten years to such persons as will bind themselves with security to construct and keep in good repairs such wharves and landings and construct and keep in repairs sheds over the wharves, and light the same and pay for the cost of policing the same for such just and reason-

able charges on the vessels and merchandise or either, for the use of the wharves and sheds as may be fixed in advance by the Council, and with such specifications as may be required by them.

The Council shall have power :

(6) To compel the owners of property or tenants to keep their sidewalks in front of such property clean and in repair. Clean Side-walks.

(7) To prevent explosive and dangerous substances from being stored or kept in dangerous quantities in the city, to designate the places where such dangerous articles may be stored and to regulate the manner of hauling and keeping explosive substances. Combustibles.

(8) To determine within what limit wooden buildings shall not be erected and to prevent the reconstruction in wood of old buildings within such limits. Wooden Buildings.

(9) To regulate the safety, height and thickness of the walls and structures.

(10) To determine what animals shall not be permitted to rove in the limits of the city, and cause them to be killed or to be confined and sold when found to be roaming at large. Animals at large.

(11) To regulate the police of theatres, public balls, dance houses, concert saloons, taverns, hotels, houses of public entertainment, shops or places for retailing alcoholic liquors, houses of prostitution and assignation, and to exclude such houses from certain limits, and shall have power to close the same, and to close houses and places for the sale of intoxicating liquors when the public safety may require it, and to authorize the Mayor and police to close such places. Places of amusement.

(12) To close all gambling houses and to expel from the city and to imprison all bunko men, fraudulent or unauthorized lottery men, common cheats and swindlers, beggars and dangerous and suspicious characters. Gambling houses.

(13) Have the power to authorize the use of the streets for horse and steam railroads and to regulate the same, to require and compel all lines of railway or tramway in any one street to run on and use one and the same track and turn-table, to compel them to Railroads.

keep conductors on their cars, and compel all such companies to keep in repair the streets and bridges and crossings through or over which their cars run.

Batture.

(14) To lay off and sell in lots or squares so much of the batture from time to time as may not be required for the public purposes; but the right of accretion or to future batture shall never be sold.

Public Institutions.

(15) To establish jails, houses of refuge, reformation and correction and make regulations for their government and to exercise a general police power in the city of New Orleans.

Sec. 8 amended by Act 114 of 1886--Sidewalks.

Passage of Ordinances.

SEC. 9. No ordinance or resolution shall pass the Council at the same session at which it is first offered; but any ordinance or resolution shall at its first offering be read in full and shall lay over one week before being finally considered by the Council.

SEC. 10. On the election of a new Council the Mayor, or in his default the President *pro tem.* of the last preceding Council, shall call the new Council to order and preside until a new President *pro tempore* is chosen.

Open doors.

SEC. 11. The Council shall sit with open doors and no resolution or ordinance, except resolutions for investigation and for the conduct of parliamentary business, shall have the force of law unless it receives the votes of the majority of the members elected to said Council, and unless on its final passage the ayes and nays are called and recorded.

EXECUTIVE DEPARTMENT.

Executive Department.

SEC. 12. The executive power of the city of New Orleans shall be vested in one Mayor, one Treasurer, one Comptroller, one Commissioner of Public Works, and one Commissioner of Police and Public Buildings. These officers shall be at least twenty-five years of age (except the Mayor, who shall be at least thirty), citizens of this State and residents of New Orleans for five years next preceding their election. They shall be elected by the people of New Orleans for the term of four years.

SEC. 13. All legally registered voters entitled to vote Elections. for State officers shall be entitled to vote for city officers. All elections for city officers shall be by ballot. No ballot shall be rejected because of the erasure or scratching of any names and the substitution and interlineation of any other name.

SEC. 14. The Commissioners of Election shall make Election Re- turns. return of the votes cast at each election precinct or voting place for city officers to the Mayor, or if he be a candidate for re-election to the President *pro tem.* of the Council, who shall cause therefrom the returns to be added up in the presence of any and all persons who choose to be present in the room where the Council assemble, and he shall therefrom make, or cause the clerk of the Council to make, a roll of the newly-elected Councilmen, without excluding any who are *prima facie* elected. This roll shall be prepared on the day after the election, or as soon as the returns are received. As soon as the new Council is organized it shall immediately proceed to compile the votes for Mayor and other city officers elected at the same time and proclaim the result of the popular vote. They shall be incompetent to proceed to any other business until that is done. The President *pro tem.* of the Council shall immediately administer the oath of office, and no commission from the Governor or other title shall be necessary.

SEC. 15. The election of the city officers other than Contested Elec tions. the Councilmen may be contested in courts in the same manner as is now or may be provided by law for contesting the election of State officers.

SEC. 16. The Mayor and all other officers elected or Oath of Office. appointed by virtue of this act shall, before they enter on the duties of their said offices respectively, take and subscribe the oath described by Article 149 of the Constitution of the State, and also the further oath that they possess the qualifications prescribed by this act.

SEC. 17. It shall be the duty of the Mayor to publish Publications of Ordinances. all ordinances and resolutions passed by the Council, and it shall be the duty of the clerk of the Council to publish the proceedings of the Council. The whole in a

newspaper published daily in New Orleans, and which shall have been in existence as a daily paper for one year previous to the contract, the proprietors of which paper shall offer to publish said proceedings at the lowest price at public auction after one week's notice, and give good security for the faithful performance of the work. Such offering shall be made at least every two years, and no contract shall be made for a longer period.

Ineligibility
of members
of the Council.

SEC. 18. No member of the Council shall hold any other employment or office under the government of the city of New Orleans while he is a member of said Council, and no member of the Council or any officer of the corporation shall be directly or indirectly interested in any work, business or contract, the expense or price or consideration of which is paid from the City Treasury or by an assessment levied by an ordinance or resolution of the Council, nor be surety for any person having a contract work or business with said city, for the performance of which security may be required, nor be surety for any officer or employee.

Qualification
and duties of
the Mayor.

SEC. 19. The Mayor shall be at least thirty years of age, ten years a citizen of the State and five years a citizen of the city, and shall have the qualifications required for the members of the House of Representatives of the State. He shall keep his office at the City Hall; he shall have a seal to be called the Seal of the City of New Orleans, which shall be affixed to all proper official acts of the corporation; he shall see that the laws and ordinances within the limits of the city of New Orleans be properly executed; he shall be ex-officio justice and conservator of the peace; shall appoint police officers, policemen, watchmen, by and with consent of a majority of Council, under the ordinances of the Council (organizing the same), and suspend the same at pleasure, and in case of suspending any officer of the police he shall communicate the fact and cause of such suspension to the Council for their action; he shall only preside at and on all meetings of the Council; he shall only have the right to vote in case of a tie, in which case he shall have the casting vote, but he shall have the right to de-

bate upon the floor of said Council and participate fully in all proceedings thereof, subject to the right of voting only in case of a tie; he shall alone control and make regulations to the police officers, policemen and watchmen, such regulations, however, subject to repeal by a two-thirds vote of the Council; he shall call meetings of the Council whenever he shall deem the same necessary, or whenever five members of said Council may request him in writing to do so; he shall also appoint an inspector of elections at each precinct of the city of New Orleans; he shall from time to time lay before the Council a full statement of the condition of affairs of the city; it shall be his duty to report to the Council all officers and persons employed by the city who fail to perform their duty, or commit any act for which they should be impeached or removed from office, and may in his discretion suspend any such officer or employee until the action of the Council, to whom he shall report said suspension at their first meeting thereafter. The Mayor shall receive an annual salary of three thousand five hundred dollars; no fee shall be allowed him for his own use and benefit, upon any pretense whatever, and he shall render a monthly account and pay unto the Treasurer all sums which he may receive for dues or fees of any description.

SEC. 20. All ordinances and resolutions after having been passed by the Council shall be transmitted to the Mayor for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But if the Mayor shall disapprove of any ordinances or resolution transmitted to him as aforesaid, he shall, within five days from the time he received it, return the same to the Council with his objections in writing, and if two-thirds of the members-elect shall adhere to said ordinance or resolution notwithstanding said objection, then and not otherwise, the said ordinance or resolution shall, after publication thereof, have the force of law; the failure to return an ordinance with his veto, within five days if the Council be in session, or

Approval of
Ordinances.

next session of the Council after five days, shall have the the same effect as a veto. Any ordinance making appropriation or fixing the number and salaries of employees may be approved in part or vetoed as to specific items mentioned by the Mayor in his veto message.

Duties of the
Comptroller.

SEC. 21. The Comptroller shall have a general superintendence of the fiscal affairs of the corporation. He shall prescribe the mode and form of keeping the corporation books and accounts in every department entrusted with the receipts and expenditures of money, and said books and accounts and the rolls and books kept by the Assessors shall be at all times subject to the inspection of the Comptroller, the Treasurer and the Chairman of the Finance Committee of the Council. The Comptroller shall examine and audit all claims and demands against or in favor of the corporation, and all accounts for the collection of the revenue shall originate in his office. No money shall be received by the Treasurer or any other officer from any source whatever, except on a written order, receipt or other document signed by the Comptroller, and no money shall be paid out of the Treasury unless authorized by an ordinance or resolution of the Council and on a warrant signed by the Comptroller. All accounts or bills for the collection of revenues shall be divided in classes corresponding with the different sources from which said revenue is drawn, and the accounts or bills of each class shall be numbered from one upward, and said accounts or bills when delivered to the Treasurer shall be charged to said Treasurer on the books of the Comptroller as cash received by the Treasurer to be accounted for by him. The Comptroller shall not warrant upon the Treasurer for the payment of any bill, requisition, claim, pay-roll or demand of any nature whatsoever, whether the same arise out of contract or otherwise, except said bill, requisition, claim, pay-roll or demand is presented to said Comptroller with the signature of the Chairman of the Finance Committee of the Council endorsed thereupon in approval of the same, and said Comptroller shall retain in his hand as his vouchers, all bills, requisitions, pay-rolls and other evi-

dences of claims and demands warranted for by him, and shall register the same in regular order in a book kept for that purpose, but when a third party is liable to the city for payment or reimbursement in whole or in part of any claim or demand so warranted for by the said Comptroller, said Comptroller shall place said claim or demand in the hands of the City Attorney for collection, taking his receipts therefor. The Comptroller shall keep a full set of books in which all the fiscal operations of the corporation shall be recorded. He shall in every month of each year lay before the Council and the Mayor a report of the receipts and expenditures during the past month, giving not only the various items of receipts and expenditures but a full detail of the names of all persons to whom money has been paid, the amount thereof, the number of warrant and the date of the resolution or ordinance authorizing the expenditures. He shall also in the months of January and July of each year lay before the Council and the Mayor a report giving not only the various items of said receipts and expenditures, but a full detail of the names of all persons to whom money has been paid, the amount thereof, the number of the warrants and the date of the resolution authorizing the expenditures. The report shall embrace a statement of the indebtedness of the city, showing in detail all outstanding obligations, their date, amount, to whom and for what issued, when due and under what resolution or ordinance authorized. It shall also contain estimates to be made by the Commissioner of Public Works and Chairman of the Finance Committee of the Council of the receipts and expenditures for the current six months; said report, in a condensed form, shall be published in book form. All contracts for public works or for materials or supplies ordered by the Council shall be offered by the Comptroller at public auction and given to the lowest bidder who can furnish security satisfactory to the Council, or the same shall, at the discretion of the Council, be advertised for proposals, to be delivered to the Comptroller in writing, sealed and to be opened by said Comptroller in presence of the

Finance Committee of said Council, and given to the person making the lowest proposal therefor who can furnish security satisfactory to the Council; provided, that the Council shall in either case have the right to reject any or all bids or proposals, and he shall generally, in addition to the duties herein enumerated, perform all such other duties as the Council shall prescribe. He shall, before entering on the duties of his office, give bond to the amount of fifty thousand dollars, and with such sureties as shall be approved by the Council, for the faithful performance of his duties, and he shall receive for his services as a salary, three thousand five hundred dollars per year.

Bond and salary.

Duties of the Treasurer.

SEC. 22. The Treasurer shall receive and safely keep in such bank as the Council shall, in session, elect *viva voce* all moneys, bills receivable, dues and assets belonging to the corporation. He shall deposit daily in said bank all moneys, bills receivable, dues and assets belonging to the corporation, received by him except as before excepted. He shall pay on the warrants of the Comptroller and by check drawn to order and countersigned by the said Comptroller and the Mayor, or in case of said Comptroller or Mayor's absence or sickness, countersigned by said Comptroller's chief clerk and president *pro tem.* of the Council, all claims against the city which the Council may authorize, and in no case shall the Treasurer pay any claim whatever against the city except in the manner set forth. He shall keep a check book in which the daily deposit of money made by him shall fully appear, and he shall each day deduct therefrom the amount of the checks drawn by him, so that the balance in bank in favor of the city shall at all times appear upon the margin of said check book. The Treasurer shall take a receipt from each person in whose favor he draws a check upon the money of the city deposited as above set forth, which receipt shall fully and clearly state the consideration for which the check receipted for was given. The Treasurer shall balance his check book, bank book, cash book and accounts with the Comptroller weekly, and he shall cancel each week, and in the presence of the Fi-

nance Committee of the Council and the Mayor, all warrants and evidences of claims against the city which shall have been paid by him, and all books kept by him, including his check book, bank book and all return checks and warrants and evidences of claims against the city paid by him, and all receipts taken by him shall be at all times subject to the inspection of the Comptroller, Finance Committee of the Council and the Mayor. He shall furnish the Comptroller with a daily report in writing of the receipts and expenditures, and all the fiscal transactions of his office, and he shall lay before the Council and furnish to the Mayor, at each regular meeting of said Council, a detailed report of the same, which shall be published, and generally he shall perform all such duties as may be imposed on him by said Council. He shall, before entering upon the duties of his office, give bond to the amount of fifty thousand dollars and with such sureties as shall be approved by the Council for the faithful performance of his duties, and shall receive for his services an annual salary of three thousand five hundred dollars.

Bond and salary.

SEC. 23. In all cases where the Mayor, Comptroller, Treasurer, or any other officer of the city, is required by this act to sign any account, order, check, receipt, bond, document or other paper, said signing shall be made in his own proper handwriting, and in no case shall said officer use a stamp, or types, or any engraved instrument for that purpose, nor shall they authorize a clerk or deputy.

Signatures of Officials.

SEC. 24. The Commissioner of Public Works shall have general charge and superintendence of all matters relating to waterworks, railroads, canals, levees, weights and measures, the fire department and manufactures, streets, sidewalks, pavements and wharves. The construction, cleansing and repair of the same. The construction and repair of bridges and drainage and hygiene of the city in so far as the same may be compatible with the laws and duties of the Board of Health, and shall be vested with and perform such other functions as may be prescribed by said Council. He

Duties of Commissioner of Public Works.

shall report to the Mayor in detail the working of his department. He shall cause to be made from time to time, at least quarterly, a detailed statement to be submitted to the Council, stating the conditions of the streets from curb to curb, including the bottom and grades of the gutters along which tracks are laid or railroads cross or pass; also the condition of the bridges, wings and crossings, whether the same be of iron or wood, also whether the grades of such railroad tracks, bridges and crossings are level with the surface of the street, also whether the natural drainage of any gutter is impeded by bridges or culverts over which said tracks are laid being too low or high, or for want of iron cross pieces being used for bridges in lieu of wood, or whether such natural drainage is impeded for want of bottoms in bridges, or whether such bottoms or bridges require to be lowered or raised. He shall, before entering upon the duties of his office, give bond in the sum of twenty-five thousand dollars, with good and solvent security, residing within the jurisdiction of the courts of the parish of Orleans, as shall be approved by the Council, conditioned for the faithful performance of his duties. He shall receive an annual salary of three thousand five hundred dollars.

Bond and salary.

Duties of Commissioner of Police and Public Buildings.

SEC. 25. The Commissioner of Police and Public Buildings shall, so far as the Council may have authority, have in charge the Houses of Refuge and Correction, Pounds and Cemeteries and lighting of the city, and shall be vested with and perform such other functions and duties as may be prescribed by the Council, provided that no authority or duty herein conferred or imposed upon said department or upon the Council shall conflict with or impair any of the powers, duties and rights conferred by this act upon the Mayor. He shall have general superintendence of the schoolhouses, markets, slaughter houses, prisons and police stations and jails, workhouse, asylums, hospitals and all courts and public buildings except the City Hall, which shall be under control of the Mayor and the several executive officers. He shall be vested with and perform such

other functions and duties as may be prescribed by the Council. He shall report to the Mayor monthly the full details and workings of his department. He shall receive an annual salary of three thousand dollars. He shall, before entering upon the duties of his office, in addition to the oath required, give bond in the sum of twenty-five thousand dollars, with good and solvent securities, resident within the jurisdiction of the courts of the parish of Orleans, as shall be approved of by the Council, conditioned for the faithful discharge of his duties.

Bond and sal-
ary.

Amended by Act 87 of 1894.

SEC. 26. The Council shall elect for the term of four City Surveyor years a Surveyor of good standing, who shall have practiced the profession of Civil Engineer for at least three years prior to his election. He shall receive an annual salary of two thousand five hundred dollars. He shall furnish the Council and the proper authorities of the city, when so ordered, with all the plans, estimates and other information appertaining to his department which the said Council or other executive officers may require. He shall superintend the construction of public works and report after the completion of the same the manner in which works have been executed, and shall perform such other duties as the Council may direct. There shall be also elected annually by the Council not more than seven deputy surveyors, skilled in their profession, who shall hold their offices, unless sooner removed, until their successors shall be duly elected and qualified. The Surveyor and Deputy Surveyors shall take oath required by section sixteen of this charter and shall furnish bond with sureties to the satisfaction of the Council in the sum of five thousand dollars to guarantee the faithful performance of their duties. They shall keep an office within the districts to be designated by the Surveyor, but shall have authority to make surveys anywhere within the corporate limits. That the compensation to Deputy Surveyors, on all surveys in amount exceeding five dollars, is hereby fixed at the rate of two cents per

Deputy Sur-
veyors.

running foot, to be paid by the persons who shall employ them to give lineations of their property, and they shall file a copy of each certificate given by them to property owners, in the office of the City Surveyor immediately after such survey. That the property owners shall notify a Deputy Surveyor of all new sub-divisions of properties made by them, under a penalty of fifty dollars for each neglect so to do, and all lines for sub-divisions shall be given by Deputy Surveyor; that it shall be unlawful, under a penalty of fifty dollars for each and every offence, for any person or persons to lay any sidewalk, street, railroad or other improvement upon the street, sidewalks, public ways or grounds of the city, until the lines and levels thereof shall have been furnished by the City Surveyor, and the Deputy Surveyors shall not give such lines and levels unless by special instructions from the City Surveyor.

City Attorney.

SEC. 27. The City Attorney shall be the legal adviser of the corporation on all matters in which his advice may be necessary, and represent said corporation within the State in all judicial proceedings, suits, actions and contestations in which it may have an interest as hereinafter provided. No extra compensation or fee shall be allowed him and no attorney shall, in any case, be appointed to assist him, unless by a vote of two-thirds of the members present of the Council. He shall receive a salary of three thousand five hundred dollars per year. He shall have the appointment of all assistants or assistant counsel that the Council may allow him. He shall be appointed by the Council for the term of four years.

Property of the
City.

SEC. 28. That all the rights, titles and interest of the city of New Orleans, as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, market stalls, levees and landing places, buildings and other property of whatever description and wherever situated, with all goods, chattels, moneys, effects, debts, dues, demands, bonds, obligations, judgments and judgment liens, actions and rights of actions, books, accounts and vouchers, be and

they are hereby vested in the city of New Orleans, as incorporated by this act.

SEC. 29. The Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings shall have the right to seats on the floor of the Council during the session thereof, and under such rules as the Council may adopt; and such rules they are hereby required to make. Shall enjoy the right to debate and discuss all matters having reference to their respective departments; but in no case shall they have the right to vote or otherwise participate in the proceedings of the Council than as provided in this section.

SEC. 30. That, in addition to the power of removal by way of impeachment, the Council shall have power to remove at any time from office any officer of the corporation elected by them, by resolution declaratory of its want of confidence in said officer; provided, that two-thirds of the members elected to said Council shall vote in favor of said resolution.

SEC. 31. That, if at time the election of Mayor or of one or more of the Councilmen or other public officer of the corporation, shall be annulled or set aside for any cause whatsoever, the incumbent of the office shall nevertheless continue to fulfill his duties until a successor shall have been duly elected or appointed and qualified as required by law.

SEC. 32. Whenever one-fourth of the owners of real property fronting on any unpaved or unbanquetted street in the city of New Orleans shall by petition, signed by the petitioner or petitioners and addressed to the Council of said city, asking for the paving or banquetting of said street or for any portion thereof, setting forth the character or quality of said pavement or of said banquetting, said Council shall have said petition published in English, in the official journal of said city, for and during eight weeks, once in each week, and if at the expiration of said publication, so made of said petition, a majority of the owners of real property fronting on said

streets or said portion thereof, shall not, by memorial signed by memorialist or memorialists, and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said paving or said banquetting, so petitioned for, to be made in accordance with section 21 of this act, and the whole cost of said pavement and of said banquettes, so made as aforesaid, shall be borne by the owner or owners of real property fronting on said pavement or on said banquettes, in equal proportion, according to the running front foot, and the cost of paving intersections shall be borne by the city, provided that no petition for new paving or banquetting shall be presented to the Council during the months of July and August or September.

Anended by Act 113 of 1886.

New Paving.

SEC. 33. Whenever any owner or owners of property, fronting on any paved or banquetted street of this city, shall by petition, signed by the petitioner or petitioners and addressed to the Council of said city, ask for a new paving or a new banquetting of said street, or any portion thereof, of a character different from the then existing pavement or banquettes of said street or of said portion thereof, and setting forth in the said petition the character and quality of said new pavement or said new banquetting, the Council shall cause said petition to be published in the manner set forth in the above section, and if, at the expiration of said publication so made of said petition, a majority of the owners of said real property fronting on said street or on said portion thereof shall not, by petition or otherwise, signed by the petitioner or petitioners and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said new pavement or said new banquetting so petitioned for to be made in accordance with section 21 of this act, and the whole cost of said new pavement or said new banquetting, so made as aforesaid, shall be borne by the owner or owners of said real property fronting on said new pavement or said new banquettes, in equal proportion according to the running front foot; provided, that no petition for new paving or

new banquetting shall be presented to the Council in the months of July, August or September.

SEC. 34. That whenever any owners of real property situated in the city of New Orleans shall, by petition, signed by petitioner or petitioners and addressed to the Council of said city, ask for the opening or straightening of a street or streets through their property and through other property adjacent thereto, setting forth in said petition the length, width and direction of said street or streets, together with the description of said adjacent real property and the names of the owners thereof, said Council shall, if it deems the same for the public benefit, cause said petition to be published as provided in sections 32 and 33, and if, at the expiration of said publication so made of said petition, a majority of the owners of said other adjacent property shall not, by petition signed by the petitioners and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said street or streets so petitioned for, to be opened, widened or straightened, under and in accordance with existing laws, and the whole cost of said opening, widening and straightening of said street or streets, so made as aforesaid, shall be borne by the owners of the property benefited by the same; provided, that no petition for opening, widening and straightening streets shall be presented to the Council during the months of July, August or September.

SEC. 35. All cost of publication of petitions, as required by sections 32, 33 and 34 of this act, shall be paid by the signers of the same, and the majority of owners, within meaning of sections 32, 33 and 34 of this act, shall be construed to be the owner or owners of a majority of running feet of real property fronting on the street or portion of street to be paved, banquetted, or new paved or new banquetted, in accordance with sections 32, 33 and 34 of this act, and further, the majority of owners, within the meaning of section 34 of this act, shall be construed to be owner or owners of a majority in value of the property to be affected by the opening,

widening or straightening of a street or streets in accordance with section 34 of this act.

Repairs of
streets.

SEC. 36. All paved and unpaved streets and unpaved banquettes in the city of New Orleans shall be kept in repairs by said city, and all paved banquettes in said city shall be kept in repairs by the owners of real property fronting thereon.

Right of the
Council to
pave streets.

SEC. 37. The Council may, in its discretion, provide for the paving or banquetting of any street or portion thereof at the expense of the whole city, and may thereupon force, impose and collect of the front proprietor of lots fronting on such streets a specific local assessment in proportion to the frontage, not exceeding the increase in the value of the property occasioned by the local improvement, and such local assessment shall have a first privilege superior to vendor's privilege and all other privileges and mortgages.

Amended by Act 119 of 1886 and Act 142 of 1894.

Organization
of Depart-
ments.

SEC. 38. The Council shall organize the departments of Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, regulate the number of clerks and other officers to be employed by each department and fix the salaries of such clerks and officers; said clerks and officers shall be appointed by said Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, respectively, by and with the advice and consent of the Council, but said clerks and officers may be discharged by said Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, respectively, at pleasure, and in case of the discharge of any clerk or officer by said Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, the fact of said discharge shall be communicated to the Council at its first meeting thereafter, together with the cause thereof.

Clerks and
Deputies.

SEC. 39. The chief clerk or deputy of each department shall furnish a bond in favor of the Mayor and his successor in office, of such an amount as shall be fixed by the Council, and in case of suspension, absence, resig-

nation or death of any of the executive officers of the city government, the chief clerk or deputy of said executive officer shall continue in office and perform the duties of said executive officer until another be elected and qualified, and for the defaults and malfeasances in office of any such chief clerk or deputy, during his administration "*ad interim*," the said clerk or deputy and his sureties in his official bond shall be liable.

SEC. 40. The Council shall fix the compensation of the services of every officer of the city or of the State, whose said services are by law to be paid by the city of New Orleans, and the number and compensation of all persons on the pay roll of the city of New Orleans. Salaries of officers.

SEC. 41. It shall not be lawful for the Council to increase the salary or compensation of any officer during the term for which the said officer has been elected, nor permit the compensation of any salaried officer to be increased by allowing him any fees for the performance of any duty imposed on him by this act or by the Council. No increase of salaries.

SEC. 42. All laws providing for the drainage of the city of New Orleans or portions thereof, and a collection of the drainage tax assessments are hereby repealed. Repeal of drainage laws.

SEC. 43. It shall be the duty of the Council, as soon as practicable, to adopt a plan for the thorough draining and keeping dry and free from lake and river water, and the rapid carrying off of rain and storm water for the entire area of the city of New Orleans; in adopting such plan of drainage the Council shall impose a specific assessment for local improvements, not exceeding the increase in the value of the property drained, occasioned by the drainage. In estimating the increase in value the assessment on the assessment rolls of the year after the work is completed shall be taken as the value after drainage making allowance for improvements destroyed or erected. That such local or specific assessment for drainage shall be considered as a payment for benefit conferred and shall have a first privilege on the property, superior to all other privileges or mortgages. Drainage.

Justices of the
Peace Courts.

SEC. 44. The Justices of the Peace in the Fifth, Sixth and Seventh Districts of the city of New Orleans, having jurisdiction as police and committing magistrates, be and the same are hereby abolished.

Police Courts.

SEC. 45. There shall be four (4) Police Courts in the city of New Orleans, to be known as the First, Second, Third and Fourth Recorders' Courts.

Amended by Act 77 of 1894 and Act 154 of 1894.

Jurisdiction of
Recorders'
Courts.

SEC. 46. The First Recorder's Court shall have jurisdiction in the territory known as the First and Fourth Municipal Districts of the city. The Second Recorder's Court shall have jurisdiction in the territory known as the Second and Third Municipal Districts. The Third Recorder's Court shall have jurisdiction in the territory known as the Sixth and Seventh Municipal Districts. And the Fourth Recorder's Court shall have jurisdiction in the territory known as the Fifth Municipal District.

Amended by Act 77 of 1884, Act 154 of 1894.

Election, Qual-
ification and
salaries of
Recorders.

SEC. 47. They shall be elected by the qualified electors of the city, at the same time that all officers provided for by this act shall be elected; they shall be at least twenty-five years of age. They shall be residents of the districts over which they shall have jurisdiction, and reside for at least one year previous to their nomination. The Recorders of the First and Second Recorders' Courts shall each receive a salary of two thousand five hundred dollars a year, and shall be allowed each one a clerk at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called the testimony clerk, at a salary of twelve hundred dollars a year. It shall be the duty of the testimony clerk to take down "*verbatim*" reports of all testimony and examination in all cases when the offence charged is cognizable in the Criminal District Courts of New Orleans, which testimony shall be signed by the witness and certified to by the Recorder, who shall forward the same to the Criminal Court. The Recorders of the Third and Fourth

Recorders' Courts shall have each a salary of fifteen hundred dollars a year, and shall each be allowed a clerk at a salary of one thousand dollars a year, and an assistant clerk at a salary of six hundred dollars a year. The said clerks shall be appointed by the Recorders and removed by them. The Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders respectively, shall detail four policemen for each of the First and Second Recorders' Courts, and two policemen for the Third and Fourth Recorders' Courts, to keep order and execute the orders and decrees of the Recorders.

Amended by Act 77 of 1884, Act 90 of 1884, Act 154 of 1894, Act 174 of 1894.

SEC. 48. The Recorders shall be removed for any of How removed. the causes enumerated in Article 196 of the Constitution, and in the manner provided in Article 206 of the Constitution.

SEC. 49. The said Recorders shall each have the Jurisdiction. jurisdiction of committing magistrates and to enforce all city ordinances and to try, sentence and punish all persons who violate any legal and valid city ordinance. They and their clerks shall have power to administer oaths, and the Recorders shall have power to punish as other courts for contempt, to compel witnesses to appear and testify.

SEC. 50. All fines, penalties or forfeitures imposed Fines, penalties, etc. by said Recorders shall be collected by them and paid by them, daily, to the City Treasurer, and the non-payment of said fines shall be (as any other neglect of duty) a cause for removal. The Treasurer shall furnish to each of the Recorders a printed receipt book with marginal stubs, and the Recorders shall give a receipt from said book for every fine or penalty collected, and shall state on the marginal stubs the amount of the fine or penalty, when and from whom collected, and for what offence, and said receipt book and marginal stubs shall always be kept open for public inspection.

Recorders *pro*
tem.

SEC. 51. The Council shall within one week after its organization elect "*viva voce*" four persons who alone shall act as Recorders *pro tem.* in case of sickness or absence or suspension of any one or more of the Recorders, and they shall receive while so acting the salary payable to the said Recorders, to be deducted from the salary payable to the same.

Amended by Act 36 of 1892.

Council meet-
ings.

SEC. 52. The Council shall meet on the first Tuesday evening of every month, and as much oftener as they shall determine to be necessary. All meetings for organization and canvassing and compiling and proclaiming the result of an election shall be in daylight.

City Notary.

SEC. 53. That the Council shall elect one week after the organization, a duly commissioned and practising notary public of the city, as City Notary, before whom shall be passed and executed all contracts, agreements, acts of sale or purchase, and all authentic acts to which the city of New Orleans may be a party or have any interest therein, and whose compensation of all character whatever shall be the fees established by law, and the same shall be paid by the party so contracting, other than the city of New Orleans. That upon the promulgation of all resolutions approving the adjudications of contracts or other sales or purchases the said City Notary shall notify the contractors or parties thereof, and if the contractors and securities fail to execute and sign their contracts within ten days thereafter, the said City Notary shall thereupon inform the head of the department to which such contract pertains of such failure. That said City Notary shall furnish the head of the department to which any contract so entered into pertains, as well as to the City Attorney, a copy of each and every such act or contract, which copies shall be preserved by said officers for reference, and those so furnished unto said City Attorney shall be bound and indexed whenever they reach the number of two hundred, and shall form part of the archives of the office of said attorney.

VACANCIES.

SEC. 54. That whenever a vacancy shall occur, by Mayor. death or otherwise, in the office of Mayor, it shall be the duty of the president (*pro tem.*) of the said Council to serve in the office so vacated, which president (*pro tem.*) shall continue in office until his (the Mayor's) successor shall have been duly elected and qualified, and in case of the sickness or temporary absence of the Mayor, the said president (*pro tem.*) shall act as Mayor *pro tempore.*

SEC. 55. That whenever a vacancy shall occur, by Other officers death or otherwise, in the office of Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, or of either of them, it shall be the duty of the Council to elect a citizen, not a member of said Council, to the position thus made vacant; said person shall have all the requirements and qualifications required of the executive officers of the city, and he shall serve after his said election and qualification until his successor shall have been duly elected and qualified.

SEC. 56. Vacancies occurring among the Councilmen Councilmen. shall be filled at once by election. In such a case it shall be the duty of the Mayor, and in case of failure on his part, of the Council, to at once order an election to fill the same; said vacancy to be filled in the same manner and by the same constituency that had elected the former holder of a seat in said Council.

SEC. 57. In case of the death, removal or resignation of any Recorder, the Council, at its first regular meeting after such vacancy, shall elect a citizen having the qualifications required for Recorder to such vacancy, and the person so elected shall serve during the time of office unexpired and until his successor shall have been elected and qualified. Recorders.

IMPEACHMENT.

SEC. 58. The Mayor, Comptroller, Treasurer, Com- City officers missioner of Public Works, Commissioner of Police and Public Buildings, Recorders and City Attorney

shall be removable, in addition to the causes provided for in this act, for malfeasance in office, gross neglect of duty or disability affecting the fitness of the occupant to fill and discharge the duties of the position.

Committees. SEC. 59. There shall be among the standing committees of the Council a committee of five members to be styled the "Committee of Public Order," which committee shall be charged with the duty of conducting the impeachment of said officers of the city, and pending such impeachment and until the final disposition thereof, the party impeached shall not exercise any of the functions of his office.

Court of Impeachment. SEC. 60. The Council, excepting the five members of the Committee of Public Order, shall have full power to try all impeachments, and when sitting for that purpose, as a Court of Impeachment, the members thereof shall be on oath or affirmation; the Mayor shall preside over said court, except when on trial, in which case the president *pro tem.* of the Council shall preside.

Order of proceeding. SEC. 61. Upon the preferring of articles of impeachment by the Committee of Public Order or by any six members of the Council, or twenty citizens, or by the Mayor, the accused shall be placed upon trial, which trial shall take place within thirty days from the notification of said charges to the party impeached, and no person shall be convicted without a vote therefor of eighteen members of said Council. The Mayor shall not have the right to vote in the final judgment.

Judgment. SEC. 62. Judgments in case of impeachment shall not extend further than removal from office and disqualification from holding any office under the City Charter; but the party convicted shall be liable to indictment, trial and imprisonment in the parish prison, or at hard labor according to law.

Annual tax. SEC. 63. That the Council of the city of New Orleans shall, for the purposes of this act, once at a regular meeting in the month of December, and not oftener, in each and every year, levy an annual and uniform tax upon all real and personal property in said city, as

prescribed and under the limitations imposed in this act for the ensuing year, which said taxes shall be due and payable at the office of the Treasurer, under such regulations as the Comptroller may establish, from the first day of March to the twenty-first day of July, inclusive; and at its first regular meeting in December, and on the same day annually thereafter, shall impose an annual license tax on trades, professions and callings, as herein prescribed; said licenses to expire on the thirty-first day of December in the year in which they were obtained, and which license tax shall be due and payable at the office of the Treasurer from the first day of January to the twenty-eighth day of February, inclusive.

Amended by Act 102 of 1884.

REVENUE AND EXPENSES.

SEC. 64. That the Council shall once in twelve months, before fixing and deciding upon the amount of taxes and licenses to be assessed for the ensuing year, cause to be made out a detailed estimate, exhibiting the various items of liability and expenditures, including the requisite amount for all expenses during said year, and shall cause the same to be published for at least ten days in the official journal of the city, and such rate of taxation as provided by law, on every hundred dollars of valuation, shall thereafter be fixed and assessed, as, together with other revenues of the city, may be necessary to meet said estimated liabilities and expenditures. The adoption of said detailed estimates shall be considered as the appropriation of the amount therein stated for the purposes therein stated, and the Comptroller shall not audit, nor shall the Treasurer draw or sign any checks upon the Fiscal Agent therefor of any claims unless an appropriation therefor has been duly made in accordance with this act.

Taxes and Li-
censes.

SEC. 65. The Council, in fixing the budget of revenue and expenses as herein provided for, shall not consider and adopt as a revenue miscellaneous or contingent resources and affix thereto either an arbitrary or nominal value or amount, but whenever such resources are con-

Budget.

sidered and adopted, they shall be estimated on a real and substantial basis, giving the source whence to be derived, a specific sum to be received from each item thereof and no more. The Council is hereby prohibited from estimating for expenditures to be derived from any uncertain or indefinite source, cause or circumstance; but the Council shall, by proper ordinances, provide for the receipts and disbursements of any sums of money, interests, rights or credits, that may accrue to the corporation by behest, grant or any cause whatever; and all such sums, rights, interests or credits so received shall be and are hereby appropriated for the purposes of public works and improvements, the manner and details of such appropriations to be ordered by the Council.

Amended by Act 88 of 1884 and Act 109 of 1886.

Limit of ap-
propriations.

SEC. 66. The Council shall not, under any pretext whatever, appropriate any funds for the government of the corporation to the full extent of the estimated revenues, but shall reserve twenty-five per cent. of said estimated revenues, which reserve and all sums, rights, interest and credits received from miscellaneous or contingent sources shall be appropriated by the Council for the purpose of public improvements as herein provided for.

Amended by Act 107 of 1886.

Property sub-
ject to taxa-
tion.

SEC. 67. That all real and personal property in the city of New Orleans, whether owned by individuals or corporations, shall, for the purposes of this act, be liable to taxation, subject only to the exemptions in the Constitution of this State.

Real estate.

SEC. 68. That the term of "real estate," as used in this act, shall be construed to include land and all buildings, machinery and structures of every kind erected upon or affixed to the same, all immovable property, whether so by nature or destination.

Personal prop-
erty.

SEC. 69. The term "personal property" shall be construed to include all household furniture, moneys, jewelry and plated goods or waregoods, chattels, incomes, debts from solvent debtors, whether on account, con-

tract, note, due bill, bond, mortgage, certificate, sale, stock or share of stock in any incorporated bank, railroad or other institutions, certificate or any other obligations, public stock, all stock, moneyed or otherwise, any general property which is not real and not known to the law of the State as movable.

SEC. 70. The term "income" shall be construed to ^{Income.} include all moneys, salaries, wages, pay, commissions, brokerage and fees received in compensation for labor or services rendered, all revenues and dividends received upon stocks in moneyed corporations not already taxed.

SEC. 71. In case of the death, resignation or permanent absence of the Mayor, the president *pro tem.* of the ^{President of the Council.} Council shall act as Mayor *ad interim*.

SEC. 72. In all judicial proceedings where, by law, bond ^{Security.} and securities are required from litigants, the city of New Orleans shall be dispensed from furnishing bond and security.

SEC. 73. Whenever the word river is used the Missis- ^{Mississippi River.} sippi river is meant, and where a name of a street is used as boundary the middle of the street is to be taken as the boundary line.

SEC. 74. That the Commissioner of Police and Public ^{Superintendent of Fire Alarm and Police Telegraph.} Buildings shall appoint, with the approbation of the Council, one Superintendent of the Fire Alarm and Police Telegraph. The said Superintendent shall be a competent telegrapher, shall hold his office for the term of four years, and the salary of said Superintendent shall be eighteen hundred dollars a year. He shall give bond in favor of the Mayor of the city of New Orleans in the sum of three thousand dollars. The Commissioner of Police and Public Buildings, with the consent and advice of the Council, shall also appoint four telegraph operators, one lineman and one assistant lineman, and one batteryman and messenger. The four telegraph operators shall receive each a salary of twelve hundred dollars per annum. They shall hold office for the term of four years. The lineman shall receive an annual salary of twelve hundred dollars. He shall hold office for the term of four years. The assistant lineman shall re-

ceive an annual salary of one thousand dollars and shall hold office for four years. The batteryman and messenger shall receive a salary of six hundred dollars and shall hold office for four years.

First election. SEC. 75. For the organization of the first government under this charter the Governor is hereby directed to issue his proclamation, ordering an election on the first Tuesday after the first Monday of November, eighteen hundred and eighty-two (1882), for Mayor, Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, four Recorders and thirty Councilmen, as provided for by this act; said terms of Mayor, Comptroller, Treasurer, Commissioner of Police and Public Buildings, four Recorders and thirty Councilmen shall end on the Tuesday next following the third Monday in April, eighteen hundred and eighty-four (1884), and the said election to take place every four years thereafter on the Tuesday next following the third Monday in April.

Term of office. SEC. 76. The officers elected at the first election to be held under this charter shall assume the duties of their respective offices on the third Monday of November, A. D., eighteen hundred and eighty-two (1882).

Budget for 1883. SEC. 77. The officers herein elected shall prepare the budget of receipts and expenses for the year 1883 within one month of their installation in office.

Repealing clause. SEC. 78. All laws in conflict, inconsistent or contrary to the provisions of this act be and the same are hereby repealed.

R. N. OGDEN,
Speaker of House of Representatives.

GEO. L. WALTON,
President pro tem. of the Senate.

Approved 23d June, 1882.

S. D. McENERY;
Governor of the State of Louisiana.

A true copy:

WILL A. STRONG,
Secretary of the State.

AMENDMENTS TO THE CHARTER

—OF THE—

CITY OF NEW ORLEANS.

ACT 81 OF 1882—Proceeds of Franchises, may be used for permanent Public Improvements.

ACT 109 OF 1882—Taxes, when delinquent.

ACT 135 OF 1888—Powers of Council, further defined.

ACT 113 OF 1892—Amending Act 135 of 1888 and fixing office hours.

ACT 127 OF 1894—Amending Act 135 of 1888—Repealing section relative to farming out collection of Licenses and Taxes.

[No. 114 of 1886.]

AN ACT

To authorize the Council to establish a uniform grade of banquettes in the city of New Orleans, and amending section 8 of Act 20 of 1882, to conform thereto, providing for the payment of the work, by making the bills therefor a first lien and mortgage on the property fronting the improvement, and providing what shall constitute a legal notice under this act.

WHEREAS, due and public notice has been given of the intention to introduce this act in the General Assembly, for thirty days prior to its introduction in the General Assembly, according to the provisions of Article 48 of the Constitution; *whereas*, evidence that such notice has been published has been exhibited to the General Assembly.

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That the Council of the city of New Orleans shall have power and authority to establish a uniform grade of banquettes or sidewalks in the city of New Orleans, and to order the raising or lowering or regrading of any banquette or sidewalk, and that section

Power and authority upon the City Council to establish a uniform grade of banquettes and sidewalks.

8 of Act No. 20 of 1882 be and the same is hereby amended so as to conform herewith.

Duties of the City Surveyor when the Council shall decide to establish a certain grade of banquettes and sidewalks.

SEC. 2. *Be it further enacted, etc.,* That whenever the Council shall decide to establish a certain grade of banquettes upon any street or streets, the City Surveyor shall at once give the grade and make same known, upon which the proper notices shall be issued by the Commissioner of Public Works to owners of property or their agents, representatives or tenants, to conform to the newly established grade, within ten days after the service of notice.

Penalty for failure or refusal on the part of proprietors or their agents to comply with ordinances of Council. Work to be done by bids.

SEC. 3. *Be it further enacted, etc.,* That in case of failure or refusal by the property owner or agent or representative to commence the work within the time allowed, the Comptroller is hereby authorized and directed, upon the written request of the Commissioner of Public Works, to advertise for bids for the repairing or regrading of all such banquettes or sidewalks to the grade established in accordance with specifications to be prepared by City Surveyor, at the risk and expense of the owners of property, to be paid for in the manner hereinafter set forth.

Work when completed to be accepted by the Surveyor and Commissioner of Public Works and if satisfactorily done how paid.

SEC. 4. *Be it further enacted, etc.,* That upon the completion of the work the City Surveyor and Commissioner of Public Works shall examine same, and if decided to be satisfactorily done shall issue a certificate, signed by each of them respectively and approved by the Mayor, which shall constitute the first lien and mortgage upon the property, which certificate shall be registered by the Recorder of Mortgages against the property liable therefor, and to bear interest at the rate of 6 per cent. per annum from maturity till paid.

What will constitute a valid notice to owner or agent.

How to proceed against absentees or non-residents.

SEC. 5. *Be it further enacted, etc.,* That a notice duly served upon the owner, his or her agent, shall constitute a legal and valid notice under this act. The party or parties collecting the rent shall come under the term agent; that in case of an absentee, or non-resident not represented by an agent, a printed notice, pasted or nailed upon the premises in the presence of two witnesses, shall

be and is hereby declared a valid and legal notice under this act.

SEC. 6. *Be it further enacted, etc.,* That all laws or parts of laws inconsistent herewith, or in conflict with its provisions, are hereby repealed.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCK,

Lieutenant Governor and President of Senate.

Approved July 8, 1886:

S. D. McENERY,

Governor State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 87 of 1884.]

AN ACT

To amend and re-enact Section 25 of Act No. 20, approved June 23, 1882, entitled "An act to incorporate the city of New Orleans, providing for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions." Due public notice having been given according to requirements of Article 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That Section 25 of Act No. 20, approved June 23, 1882, entitled "An Act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal acts inconsistent and in conflict with its provisions," be amended and re-enacted so as to read as follows:

The Commissioner of Police and Public Buildings shall, so far as the Council may have authority, have in charge the House of Refuge and Correction, pounds and cemeteries, and lighting of the city, and shall be vested with and perform such other functions and duties as may be prescribed by the Council; provided, that no authority or duty herein conferred or imposed upon said department, or upon the Council, shall conflict or im-

Commissioner of Police and Public Buildings to have in charge the house of refuge and correction, the pounds and cemeteries.

Proviso.

pair any of the powers, duties and rights conferred by this act upon the Mayor; he shall have general superintendence of the schoolhouses, markets, slaughter houses, prison and police stations and jails, workhouse, asylums, hospitals, and all courts and public buildings, except the City Hall, which shall be under control of the Mayor, and the several executive officers; he shall be vested with and perform such other functions and duties as may be prescribed by the Council; he shall report to the Mayor monthly the full details and workings of his department; he shall receive an annual salary of three thousand five-hundred dollars; he shall, before entering upon the duties of his office, in addition to the oath required, give bond in the sum of twenty-five thousand dollars, with good and solvent securities, resident within the jurisdiction of the courts of the parish of Orleans, as shall be approved of by the Council, conditioned for the faithful discharge of his duties.

Duties, bond
and salary.

SEC. 2. *Be it further enacted, etc.,* That all laws in conflict with this act be and the same are hereby repealed.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate.

Approved, 10th, July, 1884.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 113 of 1886.]

AN ACT

To amend an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882, and to provide for paving and banquetting streets in the city of New Orleans. Public notice having been given in accordance with the requirements of Art. 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That Section 32 of Act No. 20, approved June 23, 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," be amended and re-enacted so as to read as follows: Whenever one-fourth of the owners of real property fronting on any unpaved or unbanquetted street in the city of New Orleans shall, by petition signed by petitioner or petitioners and addressed to the Council of said city, asking for the paving or banquetting of said street or any portion thereof, setting forth the character or quality of said pavement or of said banquetting, said Council shall have said petition published in English in the official journal of said city for and during four weeks, once in each week, and if at the expiration of said publication so made of said petition a majority of the owners of real property fronting on said street or said portion thereof, shall not by memorial, signed by memorialist or memorialists and addressed to said Council, object to the same, said Council shall, by resolution or otherwise, order said paving or said banquetting, so petitioned for, to be made in accordance with section 21 of this act; the cost of said paving shall be borne three-fourths by owner or owners of real property and fronting on said pavement, in equal proportions, according to the running foot front, and the cost of one-fourth of said pavement in front of private property and whole of intersections shall be borne by the city. The property portion to constitute a first privilege superior to vendor's lien or any other privilege or mortgage. The whole cost of banquetting to be borne by real estate fronting on said banquette in equal portions. Upon the petition of real estate owners asking that payments be provided for their portion of cost in one, two and three equal instalments, the Council may advertise for bids upon said terms and contract for said paving; say one-third payable in cash and balance in one and two years, and pro-

Proceedings
in relation to
paving and
banquetting
streets in the
city of New
Orleans.

vided that 6 per cent. interest be paid on such deferred payments, and that the lien on such property shall remain in force for the amount due for principal and interest till final payment is made, providing that nothing herein shall be construed as affecting Act 73, approved March 30, 1876, as to the paving of neutral grounds or streets adjacent to the levee, or other parts of said statute not inconsistent with this act.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate.

Approved July 8, 1886.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 119 of 1886.]

AN ACT

To amend an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882, and to provide for paving and banquetting the streets of the city of New Orleans. Public notice having been given in accordance with the requirements of Article 48 of the Constitution.

Powers and duties of the City Council in paving and banquetting any streets or portion thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That Section 37 of Act No. 20, approved June 23, 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof and to repeal all acts inconsistent and in conflict with its provisions," be amended and re-enacted as to read as follows:

Proviso.

The City Council may, in its discretion, provide for the paving or banquetting of any street or portion thereof at the expense of the whole city, and may thereupon force, impose and collect on paving of the front proprietors of lots fronting on said streets a

special assessment, in proportion to frontage of three-quarters of the cost of said improvements, and such local assessment shall have a first privilege, superior to vendor's privilege and all other privileges and mortgages. The other one-fourth, in addition to intersections, to be paid by the city, on banquetting, the whole cost to be collected from front proprietor; provided, that a two-thirds vote of the members of the Council is secured for said banquetting or paving, and whenever the Council shall deem it necessary to take such action notice of said intention shall be published in the official journal, once a week for four weeks, and such improvements shall be subject to the conditions already prescribed for improvements or repairs to be made, on compliance with the petition of property holders, and payment thereof shall be assumed and collected in like manner.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate.

Approved July 8, 1886.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 142 of 1894.]

AN ACT

To amend an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof; and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1880, and to provide for paving and banquetting streets in the city of New Orleans. Being Act 119 of the Acts of the General Assembly, session 1886, relative to paving and banquetting streets and sidewalks in the city of New Orleans." Public notice having been given in accordance with the requirements of Article 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana, That Act 119, approved July 8, 1886.*

City Council
to provide for
the pavement
of streets.

entitled "An act to amend an act, be amended and re-enacted so as to read as follows: The City Council of New Orleans may, in its discretion, provide for the paving of any street, or portion thereof, at the expense of the whole city, and may thereupon force, impose and collect of the front proprietors of lots fronting on said street or streets, a special assessment in proportion to frontage of three-quarters of the cost of said improvement, and such local assessment shall "have a first privilege, superior to a vendor's lien and privilege, and over all other privileges." The other one-fourth, in addition to intersections, are to be paid for by the city.

Manner of
paving the
same.

SEC. 2. *Be it further enacted, etc.,* That the Council may, in its discretion, provide for the paving of any banquette or sidewalk, the whole cost of which, as well as the intersections, to be paid for by the front proprietors in proportions to the frontage owned by such, upon completion of the paving.

The cost of said banquette or sidewalk shall have a first privilege, superior to vendor's lien and privilege, and over all privileges and mortgages on the property fronting on said sidewalk.

Two-thirds
vote necessary.

SEC. 3. *Be it further enacted, etc.,* That two-thirds vote of the City Council shall be necessary to pass any paving or banquetting ordinance; and whenever the Council shall deem it necessary to take such action notice of said intention shall be published in the official journal once a week for four weeks, no further notice being required.

Proviso.

Provided, a majority of the property holders in number and measurement on the street or sidewalk, or part thereof sought to be paved or banquetted, shall have the right to designate the kind of gravel, stone, brick or Schillinger to be used, by petitioning the Council therefor within ninety days after such publication by the Council, giving notice by publication in the official journal to pave or banquette said street or sidewalk.

SEC. 4. *Be it further enacted, etc.,* That the certificates issued by the City Engineer for paving or

banquetting shall bear six per cent. interest per annum from date until paid.

SEC. 5. *Be it further enacted, etc.,* That this act shall take effect from and after its passage.

G. W. BOLTON,
Speaker of the House of Representatives.

H. R. LOTT,
President Pro Tempore of the Senate.

Approved July 12, 1894.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy:

GEO. SPENCER,
Assistant Secretary of State.

[No. 77 of 1884.]

AN ACT

To provide for a Recorder's Court in the Seventh Municipal District of the city of New Orleans, and for the appointment of a Recorder for said court, until the next general election, and for the re-enactment of Sections forty-five, forty-six and forty-seven of Act No. 20 of the Session of the Legislature of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions."

Be it further enacted by the General Assembly of the State of Louisiana, public notice thereof having been given:

SECTION 1. That sections forty-five (45), forty-six (46), forty-seven (47) of Act No. 20 of the session of the Legislature of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," which reads as follows, viz.:

Amendment
of Sections 45,
46, 47, Act No.
20 of 1882, in re-
lation to elec-
tion and qual-
ifications of the
police courts,
known as Re-
corders Courts
in the City of
New Orleans.

SEC. 45. There shall be four (4) Police Courts in the City of New Orleans to be known as the First, Second, Third and Fourth Recorders' Courts.

SEC. 46. The First Recorder's Court shall have jurisdiction in the territory known as the First and Fourth Municipal Districts of the City. The Second Recorder's

Court shall have jurisdiction in the territory known as the Second and Third Municipal Districts. The Third Recorder's Court shall have jurisdiction in the territory known as the Sixth and Seventh Municipal Districts, and the Fourth Recorder's Court shall have jurisdiction in the territory known as the Fifth Municipal District.

SEC. 47. They shall be elected by the qualified electors of the city at the same time that all officers provided for by this act shall be elected. They shall be at least twenty-five years of age. They shall be residents of the districts over which they shall have jurisdiction and reside at least one year previous to their nomination. The Recorders of the First and Second Recorders' Court shall each receive a salary of two thousand five hundred dollars a year and shall be allowed each one clerk at a salary of fifteen hundred dollars a year and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called the testimony clerk at a salary of twelve hundred dollars a year. It shall be the duty of the testimony clerk to take down verbatim reports of all testimony and examination in all cases where the offense charged is cognizable in the Criminal District Court of New Orleans, which testimony shall be signed by the witnesses and certified to by the Recorder, who shall forward the same to the Criminal Court. The Recorder of the Third and Fourth Recorders' Courts shall have each a salary of fifteen hundred dollars a year and shall each be allowed a clerk at a salary of one thousand dollars a year and an assistant clerk at a salary of six hundred dollars a year. The said clerks shall be appointed by the Recorders and removed by them. The Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders respectively, shall detail four policemen for each of the First and Second Recorders' Courts, and two policemen for the Third and Fourth Recorders' Courts, to keep order and execute the orders and decrees of the Recorders, be amended and re-enacted so as to read as follows, viz :

SEC. 45. There shall be five Police Courts in the city of New Orleans, to be known as the First, Second, Third, Fourth and Fifth Recorders' Courts.

Five Recorders' Courts established in the City of New Orleans.

SEC. 46. The First Recorder's Court shall have jurisdiction in the territory known as the First and Fourth Municipal Districts of the city, the Second Recorder's Court shall have jurisdiction in the territory known as the Second and Third Municipal Districts. The Third Recorder's Court shall have jurisdiction in the territory known as the Sixth Municipal District, and the Fifth Recorders's Court shall have jurisdiction in the territory known as the Seventh Municipal District.

SEC. 47. They shall be elected by the qualified electors of the city at the same time that all officers provided for by this act shall be elected; they shall be at least 25 years of age; they shall be residents of the districts over which they shall have jurisdiction, and reside for at least one year previous to their nomination. The Recorders of the First and Second Recorders' Courts shall each receive a salary of two thousand five hundred dollars a year, and shall be allowed each one clerk at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called a testimony clerk at a salary of twelve hundred dollars a year. It shall be the duty of the testimony clerk to take down verbatim reports of all testimony and examination in all cases when the offence charged is cognizable in the Criminal District Court of New Orleans, which testimony shall be signed by the witness and certified to by the Recorder, who shall forward the same to the Criminal Court. The Recorders of the Third and Fourth Recorders' Courts shall have each a salary of two thousand dollars a year, and shall each be allowed a clerk at a salary of twelve hundred dollars a year, and an assistant clerk at a salary of one thousand dollars a year. The Recorder of the Fifth Recorder's Court shall have a salary of fifteen hundred dollars a year, and shall be allowed a clerk at a salary of one thousand dollars a year; the said clerks shall be appointed by the Recorders and removed by them. The

Mode of election of Recorders, their jurisdiction, their salaries, clerks to be allowed to them, their salaries; duty of the testimony clerk; mode of appointment of clerks to Recorders; City Council to provide rooms for holding Recorders' Courts, and stationery for use of Recorders.

Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders respectively, shall detail four policemen for each of the First and Second Recorders' Courts, and two policemen for the Third, Fourth and Fifth Recorders' Courts, to keep order and execute the orders and decrees of the Recorders.

Mode of appointment of the Fifth Recorder until general election; Recorders now in office to hold over until the next election.

SEC. 2. *Be it further enacted, etc.*, That until the next general election the Governor shall appoint, by and with the advice and consent of the Senate, a suitable person to be the Recorder of the Fifth Recorder's Court. The Recorders now in office under the present law not to be disturbed in their present tenure of office by the terms of this act.

H. W. OGDEN,
Speaker of the House of Representatives.

CLAY KNOBLOCH,
Lieutenant Governor and President of the Senate.
Approved July 10, 1884.

S. D. McENERY,
Governor of the State of Louisiana.
A true copy from the original:
OSCAR ARROYO,
Secretary of State.

[No. 90 of 1884.]

AN ACT

To amend and re-enact Section 47 of Act No. 20 of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions."

Preamble.

Whereas, due notice of the intention to apply for the passage of this act having been given, by publication in the manner prescribed and in accordance with Article No. 48 of the Constitution of 1879; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That Section No. 47 of Act No. 20 of 1882 be amended and re-enacted to read as follows:

SEC. 47. The Recorders shall be elected by the qualified electors of the city; they shall be at least twenty-five years of age. They shall be residents of the districts over which they have jurisdiction, and must have resided therein for at least one year previous to their election. The Recorders of the First and Second Recorders' Courts shall each receive a salary of two thousand five hundred dollars a year, and the Recorders of the Third and Fourth Recorders' Courts shall each receive a salary of two thousand dollars a year. The Recorders of the First and Second Recorders' Courts shall be allowed each one clerk, at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called the testimony clerk, at a salary of twelve hundred dollars a year. It shall be the duty of the testimony clerk, who shall be a stenographer, to take down verbatim reports of all testimonies and examinations in all cases when the offence charged is cognizable by the Criminal District Court of New Orleans, which testimony shall be signed by the witness or witnesses, and certified to by the Recorder, who shall forward the same to the Criminal Court, where it shall be used as authentic in case of death or absence of the witness or witnesses. Also, one porter for each court at a salary of fifty dollars per month.

The Recorders of the Third and Fourth Recorders' Courts shall each be allowed a clerk at a salary of twelve hundred dollars a year, and an assistant clerk at a salary of one thousand dollars a year. The said clerks shall be appointed and removed at the will of the Recorders. The Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders, respectively, shall detail four policemen each for the First and Second Recorders' Courts, three policemen for the Third Recorder's Court, and two policemen for the Fourth Recorder's Court, to keep or execute the orders and decrees of said courts, and the said detailed policemen shall be under the sole control and orders of the Recorders, respectively.

Recorders in City of New Orleans, by whom elected, their age, qualification, residence. Recorders of the First and Second Districts; their salaries; those of Third and Fourth Districts; their salaries; their clerk, their salaries; duty of the testimony clerk.

City Council to provide suitable rooms and stationery for Recorders' Courts; number of policemen allowed to each of the said courts.

SEC. 2. *Be it further enacted, etc.*, That all laws in conflict, inconsistent or contrary to the provisions of this act be and the same are hereby repealed.

SEC. 3. *Be it further enacted, etc.*, That this act shall take effect from and after its passage.-

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH.

Lieutenant Governor and President of the Senate.

Approved July 10, 1884.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 174 of 1894.]

AN ACT

To amend and re-enact Act No. 90 of 1884 to amend and re-enact Section No. 47 of Act No. 20 of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions, by providing for a testimony clerk, who shall be a stenographer, for the Fourth Recorder's Court of the city of New Orleans.

Whereas, due notice of the intention to apply for the passage of this act has been published in conformity to Article 48 of the Constitution of 1879.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That Act No. 90 of 1884 be amended and re-enacted so as to read as follows:

Relative to
Recorders of
the City Courts
and their
Clerks.

SEC. 47. The Recorders shall be elected by the qualified electors of the city. They shall be at least twenty-five years of age. They shall be residents of the district over which they have jurisdiction, and must have resided therein at least one year previous to their election. The Recorder of the First and Second Recorders' Courts shall each receive a salary of two thousand five hundred dollars a year, and the Recorders of the Third, Fourth and Fifth Recorders' Courts shall each receive a



salary of two thousand dollars a year. The Recorder of the First and Second Recorders' Courts shall be allowed each one clerk, at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called a testimony clerk, at a salary of twelve hundred dollars a year. The Recorder of the Fourth Recorder's Court shall be allowed a testimony clerk at a salary of one thousand dollars a year.

It shall be the duty of the testimony clerk, who shall Duty of the testimony clerk be a stenographer, to take down verbatim reports of all testimony and examinations in all cases when the offence charged is appealable to the Supreme Court or cognizable by the Criminal District Court of New Orleans, which testimony shall be signed by the witness or witnesses, and certified to by the Recorder, who shall forward the same to the Criminal Court, where it shall be used as authentic in case of the death or absence of the witness or witnesses.

Also one porter for each court at a salary of fifty dollars per month.

The Recorders of the Third and Fourth Recorders' Courts shall each be allowed a clerk at a salary of twelve hundred dollars a year, and an assistant clerk at a salary of one thousand dollars a year.

The said clerks shall be appointed and removed at the will of the Recorders.

The Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders, respectively, shall detail four policemen each for the First and Second Recorders' Courts, three policemen for the Third Recorders' Court, and two policemen for the Fourth Recorders' Court; to keep or execute the orders and decrees of said courts, and the said detailed policemen shall be under the sole control and orders of the Recorders, respectively. Council to provide stationery, etc.

SEC. 2. *Be it further enacted, etc.* That all laws in conflict, inconsistent or contrary to this act be and the same are hereby repealed.

SEC. 3. *Be it further enacted, etc.*, That this act shall take effect from and after its passage.

G. W. BOLTON,
Speaker of the House of Representatives.

H. R. LOTT,
President Pro Tempore of the Senate.

Approved July 12, 1894.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy :

T. S. ADAMS,
Secretary of State.

[No. 36 of 1892.]

AN ACT

To amend and re-enact Section 51 of Act No. 20, Session of 1882, entitled "An act to incorporate the city of New Orleans," etc., to provide for five Recorders pro tem. instead of four, as now existing.

Election of
five recorders
pro tem., their
salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, public notice thereof having been given, as required by the Constitution of this State.

That Section 51 of Act No. 20 of the Session of 1882 be so amended and re-enacted as to read as follows, to-wit:

The Council shall, within one week after its organization, elect "viva voce" five persons who alone shall act as Recorders pro tem. in case of sickness, absence or suspension of any one or more of the Recorders, and they shall receive while so acting the salary payable to the said Recorders, to be deducted from the salary payable to the same.

City Council
shall elect a
recorder pro
tem. from the
Fifth Muni-
cipal District
to complete the
number; his
term of office.

SEC. 2. *Be it further enacted, etc.*, That upon the promulgation of this act it should be the duty of the City Council to elect a suitable person as a Recorder pro tem. in order to complete said number, whose term of office shall expire with those elected 26th of April, 1892. The

person so chosen shall be a resident of the Fifth Municipal District of said city of New Orleans.

G. W. BOLTON,
Speaker of the House of Representatives.

CHARLES PARLANGE,
Lieutenant Governor and President of the Senate.

Approved July 1, 1892.

MURPHY J. FOSTER,
Governor of Louisiana.

A true copy :

T. S. ADAMS,
Secretary of State.

[No. 154 of 1894.]

AN ACT

To provide for a Recorder's Court in the Third Municipal District of the city of New Orleans, and for the appointment of a Recorder for said court until the next general election, and to amend and re-enact Sections 45, 46 and 47 of Act No. 20 of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions."

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana* (public notice thereof having been given in accordance with Article 48 of the Constitution): That Sections (45) forty-five, (46) forty-six and (47) forty-seven of Act No. 20 of 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," be amended and re-enacted so as to read as follows, viz. :

SEC. 45. There shall be six Police Courts in the city of New Orleans, to be known as the First, Second, Third, Fourth, Fifth and Sixth Recorders' Courts.

Constituting
six police
courts in New
Orleans.

SEC. 46. The First Recorder's Court shall have jurisdiction in the territory known as the First and Fourth Municipal Districts of the city. The Second Recorder's Court shall have jurisdiction in the territory known as the Second Municipal District. The Third Recorder's

Jurisdiction of
same.

Court shall have jurisdiction in the territory known as the Sixth Municipal District. The Fourth Recorder's Court shall have jurisdiction in the territory known as the Fifth Municipal District. The Fifth Recorder's Court shall have jurisdiction in the territory known as the Seventh Municipal District, and the Sixth Recorder's Court shall have jurisdiction in the territory known as the Third Municipal District.

Election of
Recorders;
their salaries.

SEC. 47. The Recorders shall be elected by the qualified electors of the city; they shall be at least twenty-five years of age. They shall be residents of the districts over which they have jurisdiction, and must have resided therein for at least one year previous to their election. The Recorder of the First, Second and Sixth Recorders' Courts shall each receive a salary of two thousand five hundred dollars a year, and shall be allowed each one clerk at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk to be called the testimony clerk at a salary of twelve hundred dollars a year.

Clerks and
their salaries.

Duty of testi-
mony clerk.

It shall be the duty of the testimony clerk to take down verbatim reports of all testimony and examination in all cases when the offence charged is cognizable in the Criminal District Court of New Orleans or appealable to the Supreme Court, which testimony shall be signed by the witness and certified by the Recorder, who shall forward the same to the Criminal Court.

The Recorders of the Third and Fourth Recorders' Courts shall have each a salary of two thousand dollars a year, and shall each be allowed a clerk at a salary of twelve hundred dollars a year and an assistant clerk at a salary of one thousand dollars a year. The Recorder of the Fifth Recorder's Court shall have a salary of fifteen hundred dollars a year, and shall be allowed a clerk at a salary of one thousand dollars a year. The said clerks shall be appointed by the Recorders and removed by them.

Council to
provide suit-
able rooms and
stationery for
said courts.

The Council shall provide suitable rooms and stationery for said Recorders' Courts and the Mayor, upon

the recommendation of said Recorders respectively, shall detail four policemen for each of the First and Second Recorders' Courts, and two policemen for the Third, Fourth and Sixth Recorders' Courts, to keep order and execute the orders and decrees of the Recorders.

SEC. 2. *Be it further enacted, etc.*, That until the next general election, the Governor shall appoint, by and with advice and consent of the Senate, a suitable person to be Recorder of the Sixth Recorder's Court. The Recorders now in office under the present law not to be disturbed in their present tenure of office by the terms of this act.

Governor to
appoint Recorder
of the Sixth
Recorder's
Court.

G. W. BOLTON,

Speaker of the House of Representatives.

H. R. LOTT,

President pro tem. of the Senate.

Approved July 12, 1894.

MURPHY J. FOSTER,

Governor of the State of Louisiana.

A true copy:

GEO. SPENCER,

Assistant Secretary of State.

[No. 102 of 1884.]

AN ACT

To amend and re-enact Section 63 of an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882. Due public notice having been given under Article 48 of the Constitution.

Be it enacted by the General Assembly of the State of Louisiana, That Section 63 of an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882, be amended and re-enacted so as to read: "That the Council of the city of New Orleans shall, for the purposes of this act, once at the first regular meeting in the month of December, and not oftener, in each and every year, levy

Annual tax
upon all im-
movable prop-
erty in the city
of New Or-
leans to be
levied by the
City Council;
when said tax
shall be due
and collect-
ible, and when
the same shall
become delin-
quent; penar-
ties for such
delinquencies;
annual license
to be imposed
in said city;
when due and
exigible.

an annual and uniform tax upon all immovable property in said city as prescribed and under the limitations imposed in this act, for the ensuing year, which said taxes shall be due and payable at the office of the Treasurer, under such regulations as the Comptroller may establish, from the first day of March to the 30th day of April, inclusive. That the Council, at a regular meeting in October of each and every year, shall levy a uniform and equal tax on all movable property, which tax shall be due and collectible from the first day of November following, to December 31 in the year in which assessed at the expiration of said dates 30th day of April and December 31 inclusive, said taxes shall become delinquent; there shall be and is hereby imposed, an interest penalty of ten per cent. per annum on the amount of the tax due, which shall be collected by the city, together with and in the same manner as the tax; and at its first regular meeting in December, and on the same day annually thereafter, shall impose an annual license tax on trades, professions and callings, as herein prescribed; said licenses to expire on the 31st day of December in the year in which they were obtained, and which license tax shall be due and payable at the office of the Treasurer, from the first day of January to the 28th day of February, inclusive.

Be it enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate
Approved July 10, 1884.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 88 of 1884.]

AN ACT

To amend and re-enact Section 66 of an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1883. Due public notice having been given under Article 48 of the Constitution.

Be it enacted by the General Assembly of the State of Louisiana, That Section 66 of an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882, be amended so as to read: "The Council shall not, under any pretext whatever, appropriate any funds for the government of the corporation to the full extent of the estimated revenues, but shall reserve ten per cent. of said estimated revenues, which reserve, and all sums, rights, interests and credits received from miscellaneous or contingent sources, shall be appropriated by the Council for the purposes of public improvements as herein provided for."

Limit of Council in making appropriations for government of city.

Reservation in favor of works of public improvement.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate.

Approved 10th July, 1884.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 109 of 1886.]

AN ACT

To amend an act entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," approved June 23, 1882; and to provide for limit of appropriations in the city of New Orleans, and to repeal an act approved May

10, 1884, entitled, etc., public notice having been given in accordance with the requirements of Article 48 of the Constitution.

Be it enacted by the General Assembly of the State of Louisiana, That Section 66 of Act No. 20, approved June 23rd, 1882, entitled "An act to incorporate the city of New Orleans, provide for the government and administration of the affairs thereof, and to repeal all acts inconsistent and in conflict with its provisions," be amended and re-enacted so as to read as follows: The Council shall not, under any pretext whatever, appropriate any funds for the government of the corporation to the full extent of the revenues, but shall reserve twenty per cent. of said revenues, which reserve and all sums, rights, interests and credits received from the miscellaneous or contingent sources shall be appropriated by the Council for the purpose of permanent public improvement, as herein provided for.

City Council prohibited from appropriating any funds for the government of the City to the full extent of the revenues and shall reserve 20 per cent. of said revenues to be appropriated for permanent public improvement.

And be it further enacted by the General Assembly of the State of Louisiana, That Act No. 88, approved July 10th, 1884, entitled, "An act to amend and re-enact an act," be and the same is hereby repealed.

H. W. OGDEN,

Speaker of the House of Representatives.

CLAY KNOBLOCH,

Lieutenant Governor and President of the Senate.

Approved July 8, 1886.

S. D. McENERY,

Governor of the State of Louisiana.

A true copy from the original:

OSCAR ARROYO,

Secretary of State.

[No. 81 of 1882.]

AN ACT

Entitled an act to authorize the city of New Orleans, in the sale or lease of franchise or right of way for street railroads, or other privileges, to apply the price paid for the same in the performance of works of public improvements of a permanent character, such as paving streets, embellishing parks, etc.

Whereas, notice, as required by Article 48 of the Constitution, has been given of the intention to apply for the passage of this act: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That hereafter, whenever the city of New Orleans, through her proper authorities, shall contract with private corporations, or individuals, for the sale or lease of public privileges or franchises, such as the right of way for street railroads, or for other public undertakings, within her legal power and control, the price paid for the sale or lease of public privileges or franchises, shall be applied by said city in the performance of works of public improvement of a permanent character, such as paving streets, embellishing parks, etc.

Reservation made by the city of New Orleans in contracting with private corporations, or individuals, for the sale or lease of public privileges, or franchises, to stipulate that the price paid for the lease or sale, shall be applied to works of public improvement, such as paving streets, embellishing parks.

SEC. 2. *Be it further enacted, etc.,* That all laws or parts of laws, and especially so much of Section 10 of Act No. 31, act of 1876, known as the Premium Bond Act, and of Section 5 of Act No. 133, act of 1880, as may be in conflict herewith, be and the same are hereby repealed.

R. H. OGDEN;

Speaker of the House of Representatives.

GEO. L. WALTON,

President pro tem. of the Senate.

Approved July 5, 1882.

S. D. MCENERY

Governor of the State of Louisiana.

A true copy:

WILL A. STRONG,

Secretary of State.

[No. 135 of 1888.]

AN ACT

Further defining the powers and duties of the Council and officers of the city of New Orleans, and imposing additional limitation thereon. Whereas, due and timely notice of the intention to apply for the passage of this act has been given, and evidence of the publication of said notice exhibited to the General Assembly, as required by Article 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the*

No contract or purchase by the City Council of New Orleans binding, unless previously authorized by the Council, and previously let to the lowest bidder. Exceptional provisions.

State of Louisiana, That neither the Council of the city of New Orleans nor any committee thereof, nor any of the officers of said city, shall have power to bind the city by any contract for any public work, or for the purchase of any materials or supplies for any of the departments of the city government, unless there shall have been previously passed a resolution authorizing the said contract of the said purchase, and unless the said contract for public work, or for the furnishing of said materials and supplies, shall have been let by the Comptroller to the lowest bidder, as provided in Section 21 of the City Charter; provided, however, that in cases of emergency the officers of the various departments may make bills for supplies of materials not exceeding fifty dollars; but in all such cases immediate report in writing of the making of such bill shall be made by the head of the department to the Mayor, setting forth the reason of his action, which report shall be laid by the Mayor before the Council and receive the approval of that body before the said bill is ordered paid.

Estimates of supplies and materials required of every head of department twice every year.

SEC. 2. *Be it further enacted, etc.*, That on the 1st of January and July of each and every year, each and every head of every department of the city government shall lay before the Council an estimate of the supplies and material (within the limitation of the appropriations made in the budget for his department) that may be needed in his department during the current six months; and the said Council shall approve or modify, in its discretion, said estimate, and shall thereupon direct the Comptroller to advertise and adjudicate the contract to furnish said supplies and materials, or so much thereof as may be needed, to the lowest bidder, as provided in Section 21 of the City Charter.

No lease or renewal thereof, of wharves or landings, or lease and sale of public property, except after public advertisement and free competition.

SEC. 3. *Be it further enacted, etc.*, That said Council shall have no power to make or renew any lease of the wharves or landings, or any lease or sale of city property, except after public advertisement and free competition, and adjudication by the Comptroller to the highest or lowest bidder, as the case may be, according as the specification of said lease or sale may require.

SEC. 4. *Be it further enacted, etc.,* That said Council shall not have power to grant, renew or to sell or to dispose of any street railroad franchise, except after at least three months' publication of the term and specifications of said franchise, and after the same has been adjudicated to the highest bidder by the Comptroller as provided in Section 21 of the City Charter.

No grant, renewal or sale of any street railroad franchise valid, except after three months' publication and adjudication to the highest bidder.

SEC. 5. *Be it further enacted, etc.,* That the said Council be and the same is hereby prohibited from making any contract with reference to, or payable out of, or any appropriation of the surplus fund of any year, except to the extent that said surplus fund may exist in cash in the city treasury at the time of the contract or of the appropriation.

No contract payable out of or appropriation against the surplus fund valid, except to the extent that may then exist in cash in the city treasury.

SEC. 6. *Be it further enacted, etc.,* That all the officers and members of the city government are hereby required and commanded to attend personally to the duties of their offices, and are hereby prohibited from absenting themselves from the city of New Orleans, unless by permission of the Council previously granted, for reasonable cause stated and approved. They shall keep their offices open from 9 o'clock in the morning until 4 o'clock in the evening and shall require their employees and clerks to be and to remain therein during those hours.

Absenteeism of officers and members of the city government, without previous permission of the Council, prohibited.

SEC. 7. *Be it further enacted, etc.,* That at the end of each and every year, and not before, the Council shall by proper ordinance, and under proper limitations and restrictions, farm out and adjudicate the contract to collect the delinquent taxes and licenses of that year to the lowest bidder, after at least ten days' public advertisement; provided, that the percentage allowed such farmer shall never exceed five per centum on the amount collected and paid into the treasury; that the payment of such taxes and licenses shall always be made to the City Treasurer and not to the farmer; that the city shall be at no cost or expense of said collection; that each farmer shall be required to close his contract within two years, and that his bond shall not be canceled until he accounts for every tax bill in his hands, either

Farming out and adjudication of the contract to collect delinquent taxes and licenses; how, when and under what terms and conditions allowable.

by collecting the same or by showing that the same can not be collected and the reason of such non-collectibility, and on all licenses and bills uncollected at the end of said two years he shall receive no commissions.

Repealing
clause.

SEC. 8. *Be it further enacted, etc.,* That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

S. P. HENRY,

Speaker of the House of Representatives.

JAMES JEFFRIES,

Lieutenant Governor and President of the Senate.

Approved July 12, 1888.

FRANCIS T. NICHOLLS,

Governor of the State of Louisiana.

A true copy from the original :

JOS. GEBELIN,

Assistant Secretary of State.

[No. 113 of 1892.]

AN ACT

To amend and re-enact Section 6 of Act No. 135 of 1888, further defining the powers and duties of the Council and officers of the city of New Orleans, and imposing additional limitations thereon; whereas, evidence has been exhibited that this act has been published in accordance with Article 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That Section 6, of Act No. 135 of 1888, be and is hereby amended and re-enacted so as to read as follows :

Requiring
the personal at-
tendance to the
duties of their
office of officers
and members
of the city gov-
ernment of
New Orleans.

That officers and members of the city government are hereby required and commanded to attend personally to the duties of their office, and are hereby prohibited from absenting themselves from the city of New Orleans unless by permission of the Council previously granted, for reasonable cause, stated and approved. They shall keep their offices open from 9 o'clock in the morning until 3 o'clock in the evening, and shall require their employees and clerks to be and remain therein during those hours.

SEC. 2. *Be it further enacted, etc.,* That this act shall Time of taking effect.
take effect from and after its passage.

G. W. BOLTON,
Speaker of the House of Representatives.

CHARLES PARLANGE,
Lieutenant Governor and President of the Senate.
Approved July 7, 1892.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy:

T. S. ADAMS,
Secretary of State.

[No. 127 of 1894.]

AN ACT

To repeal Section 7 of Act 135 of 1888, entitled an act for the defining of the powers and duties of the Council and officers of the city of New Orleans and imposing additional limitations thereon. Whereas, due and timely notice of the intention to apply for the passage of this act has been given, and evidence of the publication of said notice exhibited to the General Assembly, as required by Article 48 of the Constitution.

Be it enacted by the General Assembly of the State of Louisiana, That Section 7 of Act 135 of 1888, providing that the Council shall farm out, under certain restrictions and limitations, the delinquent taxes and licenses of that year, to the lowest bidder after ten days' public advertisement, etc., be and the same is hereby repealed.

Be it further enacted, etc., That this law shall take effect from and after its passage.

G. W. BOLTON,
Speaker of the House of Representatives.

H. R. LOTT,
President pro tempore of the Senate.
Approved July 11, 1894.

MURPHY J. FOSTER,
Governor of the State of Louisiana.

A true copy:

T. S. ADAMS,
Secretary of State.

[No. 109 of 1882.]

AN ACT

Relative to
certain delin-
quent taxes
and licenses.

Fixing the time for the levy of municipal taxes, and prescribing a penalty for delinquents in the payments thereof.

Time at which
municipal cor-
poration shall
annually levy
an equal and
uniform tax
upon all prop-
erty, real and
personal; when
due and pay-
able.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That the municipal corporations of the State shall once in each and every year, between the first of May and the thirtieth of June, and not oftener, lay an equal and uniform tax upon all real and personal property within its corporate limits, as prescribed by and under the limitations imposed by law for the current year, which said tax shall be due and payable at the proper office of said municipal government immediately after said levy or as soon thereafter as the tax bills can be prepared.

Penalty for the
non-payment of
tax.

SEC. 2. *Be it further enacted, etc.*, That upon municipal taxes not paid and delinquent thirty (30) days after the completion of the tax bills there shall be and is hereby imposed an interest penalty of ten (10) per cent. per annum on the amount of the tax due, which shall be collected by the municipal corporation, together with and in the same manner as the tax.

SEC. 3. *Be it further enacted, etc.*, That all laws or parts of laws in conflict, inconsistent or contrary to the provisions of this act be and the same are hereby repealed, but all other parts of all laws on the same subject matter shall continue in force.

R. N. OGDEN,

Speaker of the House of Representatives.

GEO. L. WALTON,

President pro tem. of the Senate.

Approved July 5, 1882:

S. D. McENERY,

Governor of the State of Louisiana.

A true copy:

WILL A. STRONG,

Secretary of State.

THE LAWS AND REVISED ORDINANCES

OF THE

CITY OF NEW ORLEANS.

ALMSHOUSES, ASYLUMS, TRUST FUNDS AND CHARITABLE INSTITUTIONS.

See HOSPITALS.

ART. 1. It shall be unlawful for any person or persons to set up, establish and operate any hospital, almshouse or charitable institution of a public character in any locality of the city of New Orleans, without having first petitioned the Mayor and City Council.

Unlawful to
establish.
Ord. No. 7659
C. S. May 30,
1893

ART. 2. That if any person or persons protest against the setting up, establishing or operating of such charitable institution at such location, they shall be heard before the Committee on Public Order, Health and Police and Public Buildings of the City Council, and if there be any valid objections in the judgment of the said committees said petition will not be granted.

Protests. Ib.

ART. 3. That any violation of the foregoing ordinance will be punished by a fine of not more than fifty dollars or not more than thirty days' imprisonment.

Penalty. Ib.

ART. 4. That each and every charitable institution for which appropriation is made by this Council shall be required to enter on a book to be specially kept for that purpose a full and complete record of all persons or children under their care, said record to include date of admission, sex, age, condition, when admitted, if either or both parents are living, date of discharge, compensation, if any, received for care of said persons or children and such other facts as may indicate the labor and expense connected with the care of said persons or children.

Record book
to be kept.
Ord. No. 3526
C. S., Feb. 9,
1889. Amend-
ed by Ord. No.
3834 C. S.

Monthly re- ART. 5. That each of said institutions shall be re-
ports. Ib. quired to furnish the Mayor with a monthly report em-
bodying all the items set forth in above resolution, and
that all appropriations made in favor of said institution
be based upon said monthly reports and pro-rated by the
Committee on Charities.

Inspection. ART. 6. That the record book required to be kept by
Ib. this resolution shall be at all times open to inspection
by the Committee on Charities.

Repealing clause. ART. 7. That all ordinances or parts of ordinances in
Ib. conflict with the provisions of this resolution be and the
same are hereby repealed.

SHAKSPEARE ALMSHOUSE.

Purchase of ART. 8. That the Mayor be and is hereby empowered
property. to appoint a committee, to be composed of two Adminis-
Sept. 1881. trators and himself as ex-officio chairman, for the pur-
A. S. 7327. pose and with full power to purchase a suitable place in
the vicinity of the city, with such funds as have or may
hereafter be donated by the gamblers of this city, the
same to be used as a house and farm for the indigent
people of New Orleans.

Object. WHEREAS, Joseph A. Shakspeare, Mayor, has turned
Ord. 7901 A. into the city treasury certain sums of money donated
S., June 20, to him for such public uses as he may deem proper to
1882. apply same to; and, whereas, it is his desire, with the
approbation of the Council, to use the same for con-
structing and maintaining an almshouse for the support
of the poor of New Orleans.

Donation fund. ART. 9. That the Administrator of Public Accounts
Ib. and Finance open a "donation account," to the credit of
which said moneys shall be placed; and the said moneys
How applied. Ib. be, and are hereby, appropriated for maintaining an
almshouse, for the purpose stated in the preamble of this
ordinance.

How payable. ART. 10. That said money is payable on the order of
Ib. the Mayor.

Mayor to ap- ART. 11. That within ten days after the passage of
point. this ordinance the Mayor of New Orleans shall appoint,
Ord. No. 598
C. S. Feb. 19,
1884.

by and with the consent of the Common Council, five citizens of New Orleans, who shall constitute the Board of Managers of the Shakspeare Almshouse.

ART. 12. That the said Board of Managers shall organize by the election of one of their number as president; that the said Board of Managers shall hold their offices four years from the date of their appointments; that all vacancies shall be filled by the Mayor, by and with the consent and advice of the Council.

Organization.
Ib.

ART. 13. That the said Board of Managers shall have the exclusive control and management of said Shakspeare Almshouse.

Control and
management.
Ib.

ART. 14. That no warrant or vouchers drawn for the payment of any supplies for said institution, or for the salary of any of the employees of said institution, shall be of any force or effect, or shall be paid by the Treasurer until or unless countersigned and approved by the president of said Board of Managers.

Warrants or
vouchers.
Ib.

ART. 15. That the said Board of Managers shall employ and discharge all employees of said almshouse; shall fix the salaries and terms of employment, and shall make rules for the government of said institution; provided, nothing in said rules shall be contrary to the laws of the State of Louisiana or the ordinances of the city of New Orleans.

Employees.
Ib.

Rules and
regulations.

ART. 16. That the said Board of Managers shall report at least once every three months to the Council the condition of said almshouse, its working for the past quarter, a detailed statement of all disbursements and collections from any source, and an estimate of receipts and disbursements for the ensuing quarter.

Reports.
Ib.

Ord No. 598,
C. S., Feb. 19,
1894.

ART. 17. Whereas, there is now a sum of seven thousand five hundred and seventy-five dollars, more or less, in the city treasury, transferred to the city by the Board of Commissioners of the Touro Almshouse, under authority of Act No. 100 of the Acts of the General Assembly of Louisiana for the year 1867; and whereas, said money is part of the bequest of Judah Touro to the city of New Orleans, for the "purpose of establishing

Transfer of
Touro funds.
Ib.

an almshouse in the city of New Orleans, and with the view of contributing as far as possible to the prevention of mendicity in said city;" and whereas, said Act No. 100 of the Legislature of 1867 permits the use of said money by the city "for the purpose contemplated by the testator," and for none other.

Dedicated to
City Almshouse.

ART. 18. That the said sum of money to the credit of said Touro Bequest Fund, or any sums that may accrue thereto, be and the same are hereby appropriated and dedicated to the construction and maintenance of the "City Almshouse," now in process of erection, etc., in accordance with Ordinance No. 7901, A. S.

How paid.

ART. 19. That said money shall be paid out for the purposes aforesaid, on the order of the Mayor.

TOURO ASYLUM.

Transfer of
real estate.
March, 1868.
N. S. 878.

ART. 20. That the city of New Orleans accepts the transfer of the real estate and movable property and moneys, on hand, belonging to the Touro Almshouse, under the act of the Legislature, approved March 23, 1867, entitled "An act for the relief of the Board of Directors of the Touro Almshouse."

Act of trans-
fer.

ART. 21. That the City Notary be authorized to prepare an act to transfer, in conformity with the act of the Legislature aforesaid, and the Mayor to sign the same on behalf of the city.

Moneys on
hand.

ART. 22. That the moneys on hand, belonging to the said Touro Almshouse, be paid over to the City Treasurer, and that a detailed statement of all moneys on hand, real estate, and personal property of said Touro Almshouse, conveyed and transferred as aforesaid, be submitted to the Common Council by the City Comptroller as soon as practicable, after said conveyance and transfer are completed.

PRISON AND ASYLUM COMMISSIONERS.

Creating
Board.
Nov. 1881.
A. S. 7426.

ART. 23. That the hereinafter named persons are hereby constituted a Board of Prison and Asylum Commissioners, for the purpose of overseeing and investi-

gating the financial, moral, sanitary and disciplinary management of all prisons, station-houses, houses of detention or refuge and asylums for the insane or destitute, belonging to and under the control of the city of New Orleans.

ART. 24. A majority of the board shall constitute a quorum and shall elect one of its members president of the board.

Quorum. Ib.

ART. 25. The board shall have power to make all rules and regulations for its own government not contrary to law, and at a regular meeting to fill any vacancy occasioned by resignation or otherwise.

Rules and regulations. Ib.

ART. 26. The board shall consist of fifteen members.

Number of members. Ib.

ART. 27. The seat of any member who shall persistently neglect his duties may be vacated by a majority of the board at any regular meeting, and the vacancy shall be immediately filled, as hereinbefore provided.

Vacancies. Ib.

ART. 28. The holding of, becoming a candidate for, or having at any time within two years previously held, or been a candidate for any public office other than educational, shall disqualify any person from being a member of the board.

Disqualifications. Ib.

ART. 29. The board shall have power to act as the accredited agent of the Council, and at any and all times to visit, inspect and examine any and all public institutions hereinbefore described, and to appoint sub-committees of persons, either members of the board or not, to assist them in such inspections, who shall report to and be subject to the board; and it shall be the duty of the board to make or procure such inspections not less than once every three months, provided the same shall be done free of expense to the city, and to recommend to the Council such changes in the financial, moral, sanitary or disciplinary management of the aforesaid institutions, as they may deem necessary to their highest efficiency. The acts of the board shall, however, be subject to the disapproval or veto power of the Council in all cases where the Council shall, upon consideration, find it proper or necessary to express such disapproval.

Agent of the Council. Ib.

ART. 30. In the first week in November of each year,

- Report. 1b. and as often as may seem to the board necessary, the board shall make to the Council a full report of the condition and wants of each institution and the management thereof during the closing twelve months, with statistical tables.
- Names of members. ART. 31. The following named persons shall constitute the board: T. G. Richardson, M. D., Adolph Schrieber, James McConnell, Henry Abraham, Perry Nugent, Geo. W. Cable, Dr. Doumeing, John T. Gibbons, T. S. Elder, W. G. Raymond, Thomas G. Rapier, J. A. Lafaye, Joseph M. Rice, John McCaffrey and E. T. Shepard.
- No compensation. 1b. The board shall serve without compensation or pay.

BEQUEST OF JEAN MARIE.

Ord. No. 2892
C. S., March
27, 1888.

ART. 32. Whereas, The city of New Orleans received among its assets from Municipality No. 1 a bequest of Jean Marie to the orphans of thirty-six hundred and forty-five 71-100 dollars (\$3645.71), with an annual interest charge of eight (8) per cent.; and

Whereas, The same has been punctually paid up to and including the year 1880, from the proceeds of the consolidated tax; therefore

Be it ordained, That the Council of the city of New Orleans recognize said indebtedness as part of the interest due on her bonded debt, and to be included as due and unpaid, and to come under the provisions of settlement of Act No. 58 of 1882.

Be it further ordained, That the St. Mary's Orphan Boys' Asylum is recognized, as heretofore, as beneficiaries of said legatee, and that the city of New Orleans acknowledges herself indebted to them for said interest. the same to be paid to them under the provisions of said Act 58 of 1882.

FOR THE DEAF, DUMB AND BLIND.

ACTS OF THE LEGISLATURE.

ACT No. 49 OF 1888.

To unite the Institute for the Deaf and Dumb and the Institute for the Blind under one General Superintendent, to be known as the Institute for the Deaf, Dumb and Blind, and to provide for its management and control.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That there shall be an institution for the deaf, dumb and blind, in the city of Baton Rouge, and that they are hereby united under one general management and control.

SEC. 5. *Be it further enacted, etc.*, That the board shall have general superintendence and control of the institution, make all laws necessary for its management, and adopt such rules and regulations as may be required for the proper management of the institution and government of the pupils.

Duties of the Board.

SEC. 6. *Be it further enacted*, That they shall receive, instruct and support in the institution, all the deaf, dumb and blind residents of this State, of sound mind, and proper health of body between the ages of eight and twenty-five, shall be admitted into said institution as pupils and be provided with instruction, board, lodging, medicine and medical attendance at the expense of the institution, and all those in such indigent circumstances as shall appear by the certificate of any member of the police jury of the parish, or the Mayor of the city where they reside, to render such aid necessary shall also be furnished with clothing and traveling expenses to and from the institution.

SEC. 7. *Be it further enacted*, That all persons admitted as pupils into said institution between the ages of eight and fourteen years may continue in the institution eight years; all admitted between the ages of fourteen and seventeen years may continue eight years, and all admitted at an age exceeding seventeen years may continue five years; provided, the board may, in their discretion, extend the limit above set forth two years in each case.

TO REGULATE THE PAY AND ADMISSION OF PUPILS INTO THE INSTITUTIONS FOR THE DEAF AND DUMB AND THE BLIND OF THIS STATE.

That hereafter all the pupils in the Institution for the Deaf and Dumb and the Blind of this State, or who may hereafter be admitted, except those in indigent circumstances and unable to pay, shall be required to pay to the said institution, for its support and maintenance, at the rate of two hundred and fifty dollars per annum, in such instalments as the board of supervisors may direct. That a certificate of the Police Jury of the several parishes, and the Mayor of the city of New Orleans, of the fact, shall be sufficient evidence to admit indigent pupils into said institution.

Acts of 1861;
No. 226, p. 174.
See also Acts
of 1855, No. 294,
p. 356.
Acts of 1858,
No. 131, p. 89.
Acts of 1864,
pp. 26, 174

INSANE ASYLUM.

ACTS OF THE LEGISLATURE.

Lunatics, how admitted to State Asylum. SEC. 9. That whenever it shall be made known to the judge of the district, by the petition and oath of any individual, that any lunatic or insane person within his district ought to be sent to or confined in the insane asylum of this State, it shall be the duty of the said district judge to issue a warrant to bring before him, in chambers, said lunatic or insane person: and after proper inquiry into all the facts and circumstances of the case, if, in his opinion, he ought to be sent to or confined in said insane asylum, he shall make out his warrant to the sheriff of the parish, commanding him to convey the lunatic or insane person to the insane asylum; for which duty the sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of convicts to the Penitentiary of the State, which shall be paid out of the parish treasury, upon the order of the district judge, and likewise all other expenses previously incurred, in bringing said insane person before the district judge.

Duty of the District Judge.

Duty of the Sheriffs.

Compensation to Sheriff.

Powers of the Board to receive lunatics in certain cases.

SEC. 10. That the Board of Administrators shall have authority to receive insane persons, not sent to the asylum by a district judge, on such terms and conditions as they may deem fit to adopt; and money so received shall be applied to the support of the institution.

Monthly amounts to be paid by the lunatics.

Persons in indigent circumstances excepted.

SEC. 11. That all persons received in the asylum as insane shall be charged at a rate not less than ten dollars a month, unless the police jury of the parish from whence the insane person came, a municipal council, if from a city or town, or clerk of the court, shall certify that said person is in indigent circumstances.

Duties of clerks of district courts relative to the admission of lunatics in the Asylum.

SEC. 12. That whenever application is made to the clerk for a certificate as above stated, it shall be his duty to examine, under oath, such witnesses as may be brought before him, and to give or refuse said certificate, as the case may in justice require; and the said clerk is empowered, whenever he shall deem the same necessary, to summon before him, as in ordinary cases, any witnesses necessary; and said certificate so given shall entitle the person therein named to admission into the lunatic asylum without charge.

Act of 1855, p. 453.

See also Act of 1861, p. 217, Act 147 of 1890.

See Indigent Dead and Insane.

TRUST FUNDS.

COLIN J. NICHOLSON FUND.

Whereas, Colin J. Nicholson, by his last will and testament, which was duly probated in the Civil District

Court for the parish of Orleans, made the following charitable bequest:

“To the support of asylums in the faith of the Protestant religion, especially devoted to the care of aged persons, \$5000. This or these, as the case may be, to be located in the city and parish of Orleans, and I leave to my executor the selection of said institution or institutions.” And under the will aforesaid, Colin J. Nicholson constituted John T. Hardie, Esq., of the city of New Orleans, his executor, and instituted him as residuary legatee. Bequest.

And whereas, Said John T. Hardie as executor, in his final account to the court, having charge of the said succession of Colin J. Nicholson, reported that there was no institution in the city of New Orleans answering the description of the will, and that by the failure of said legacy to take effect that said John T. Hardie, as residuary legatee, was the beneficiary thereof.

And whereas, The St. Anna's Asylum, of the city of New Orleans, an institution regarded in this community as a Protestant institution, and ever since its organization directed and controlled by those professing the Protestant faith, and especially devoted to the care of aged persons, made opposition, through their counsel, to the account of said John T. Hardie, executor, and to his discharge as such, the said institution claiming the legacy provided in the will of said Colin J. Nicholson, and which said claim was allowed by the lower court and said Hardie, executor, decreed to pay the same to said asylum, in furtherance of the charitable bequest by said testator made.

And Whereas, The said court, in pronouncing the decree on the opposition in said cause, further decided, in accordance with the decision of the Supreme Court of Louisiana, in the case of Fink vs. Fink, 12th Annual, page 300, that if the St. Anna's Asylum did not take and have the benefit of the legacy provided for in the will aforesaid, then and in that event and upon the broad and generous doctrine of charitable bequests, the bequest made by Colin J. Nicholson would not fall in

the residuum of the estate as claimed by John T. Hardie, the executor, and who is also, under the terms of said will, the residuary legatee of said Colin J. Nicholson.

* * * * *

And whereas, That under and by virtue of the decree of the Supreme Court of this State, the said asylum did not take or have the benefit of the bequest; and that under the laws of the State of Louisiana, in such cases made and provided, the legacy of said will being for the benefit of the poor of a community, the city of New Orleans is charged with the duty to accept said legacy and administer the same, "and in the administration thereof, to determine who are aged persons of the Protestant faith," as determined by the Supreme Court in the case of Fink vs. Fink, in the 12th Annual, page 318.

And whereas, said John T. Hardie, as executor, has obtained his final discharge, and been by order of court recognized as the residuary legatee of said Colin J. Nicholson, the residuum of which estate exceeds the sum of \$26,000.

And whereas, said John T. Hardie is personally responsible to the city of New Orleans for the legacy aforesaid, and which it is their duty to recover and administer as aforesaid; the facts herein recited having only recently come to the knowledge of the Mayor and members of the City Council.

City Attorney
duty.
Ord. No. 4124
C. S., Nov. 19.
1889.

That the City Attorney of the city of New Orleans be and he is hereby directed to make demand upon John T. Hardie for the delivery of the legacy of \$5000, with interest thereon at five (5) per cent. per annum from the date said John T. Hardie qualified as executor, and upon his refusal to pay the same that he immediately institute suit in the name of the city of New Orleans against said John T. Hardie for the recovery of the legacy, with interest thereon as aforesaid.

Money to be
invested.

That upon the recovery of said sum of \$5000, with interest as aforesaid, there shall be created a special fund to be designated as the "Colin J. Nicholson Fund," and the money thus realized shall be invested in city securities, bearing interest, and shall be registered and

the interest produced therefrom shall be applied by the Mayor to the relief of "aged persons of the Protestant faith," as in his judgment is proper. And that at no time shall the draft upon said fund exceed the interest thereof, and that the funds so invested shall and are hereby constituted "a trust fund", to be at all times held sacred, for the purposes herein stated, and in accordance with the will of the late Colin J. Nicholson.

Interest to be
used to relieve
aged persons
of Protestant
faith.

Ib.

FINK FUND.

Under the will of the late John D. Fink.

EXTRACT FROM THE WILL.

"It is my wish and desire, and I do hereby declare the same to be my will, that after the payment of my just debts and the several legacies hereinabove mentioned, that the proceeds of the whole of my estate, property rights and credits be applied to the erection, maintenance and support of a suitable asylum in this city, to be used solely as an asylum for Protestant widows and orphans, to be called 'Fink Asylum;' and I do hereby request and authorize my friend, Bullerdeick, after my decease, to name and appoint three worthy and responsible persons as trustees, to carry out my said intentions respecting the aforesaid asylum."

ART. 33. (1) That the nine persons hereinafter named and residing in city of New Orleans be and they are hereby appointed commissioners for the erection, maintenance and support of a suitable asylum in the city of New Orleans for Protestant widows and orphans in said city, to be called the Fink Asylum, and to fully carry out and execute the intentions of the aforesaid John D. Fink, as expressed in his last will and testament, and the commissioners shall be called by the name and title of Commissioners of the Fink Asylum, a majority of whom shall constitute a quorum for the decision of all matters. And the said nine persons shall be as follows, namely: 1, William C. Black, a member representing the First Presbyterian Church and con-

Commission-
ers.
A. S. 2796.
Oct. 1874.

gregation in the city of New Orleans; 2, Moses Greenwood, a member of and representing herein the Presbyterian Church and congregation, called the Prytania Street Church, corner Josephine and Prytania streets; 3, John H. Keller, a member of and representing herein the German Methodist Church, Dryades street; 4, R. M. Walmsley, a member of and representing herein the Carondelet Street Methodist Church and congregation, called the McGehee Church; 5, Richard H. Browne, a member of and representing herein the Coliseum Baptist Church and congregation; 6, Charles W. Wood, a member of and representing herein the First Baptist Church and congregation in this city; 7, Henry V. Ogden, a member of and representing herein the Protestant Episcopal Church and congregation, called the Trinity Church; 8, William G. Coyle, a member of and representing herein the Protestant Episcopal Church, called St. Paul's Church; 9, George Stromeier, a member of and representing herein the Evangelical Church, Chippewa street, which said persons shall serve as said commissioners until the first Monday in May, 1875, and until their successors shall be appointed.

Appointment
of successors.
Ib.

ART. 34. (2) That the vestries, trustees or other proper representatives, each of the aforesaid churches and congregations, shall annually appoint the commissioners of said Fink Asylum according to the number above stated, which said commissioners shall serve and act as such during one year, from the first Monday of May, 1875, and for each and every year thereafter, and until their successors be appointed; and any vacancy occurring by the death or resignation of any commissioner, or otherwise, during the year of his appointment, shall be filled by the trustees, or other proper representatives of the church and congregation which appointed him.

Organization
of Board. Ib.

ART. 35. (3) That the said commissioners shall, as soon as possible, proceed to elect among their own number a president, and such person as secretary of the board as they may deem proper, each of whom shall be entitled to such compensation for their services as said commissioners may decide; provided, that the same shall not ex-

ceed the sum of \$500 per annum for each, and to be paid out of the Fink Fund, which president shall be annually elected; and in case of vacancy the office shall be filled by said commissioners from their own number. The secretary shall hold his office during the pleasure of a majority of the commissioners, and perform such duties as they may direct. The said commissioners shall proceed to execute the duties and trusts delegated to them by this ordinance, and make such by-laws, rules and regulations as they may think proper for their own government and for the administration of the affairs and business of the said asylum, and also for the employment, occupation and instruction of the inmates in said asylum.

ART. 36. (4) That all the property, money, bonds, insurance scrip and evidences of debt of every kind and description arising from the sale of the property of the said John D. Fink, now in possession or under control of this Council for the purpose of erecting said asylum, shall remain in the hands of the Administrator of Finance, and no money or property of any kind belonging to the said Fink Fund shall come into the possession of the said commissioners except as hereinafter stated.

Custodian of funds. Ib.

ART. 37. (5) That the said Administrator of Finance shall be the treasurer of said commissioners, and as such shall keep a separate and distinct account in his books with the said Fink Asylum Fund of all moneys, promissory notes, bonds, insurance scrip and all other obligations and evidences of debt belonging to the said Fink Fund, and shall deposit in one or two banks of this city all moneys belonging to said Fink Fund in his name as said treasurer, and shall pay all orders from said commissioners which are by a resolution of said commissioners signed by the president and secretary of said commissioners, provided that said orders shall not in any one time exceed one thousand dollars.

Administrator of Finance
treasurer of the Board. Ib.

ART. 38. (6) That the said Commissioners shall have the power to hire any building in the city for the use of said Fink Asylum, provided the rent of the same does not exceed \$1000 a year, but such hire or rent shall not exceed the term of one year; and they shall have power

To rent building. Ib.



to purchase at such price and on such terms as they may think proper, for the use of said asylum, such furniture, provisions and other articles as may be required for the establishment, and shall employ such persons as they may deem necessary.

Purchase of
real estate, Ib.

ART. 39. (7) The purchases of real estate for the establishment of said Fink Asylum shall be made only by this Council, and the title of the same shall be in the name of the city of New Orleans, and be held by said Council and appropriated for the benefit of said Fink Asylum, and all contracts for the erection of buildings for said Fink Asylum shall be made by the Council of the said city.

Quarterly re-
ports. Ib.

ART. 40. (8) That the said commissioners, every three months, shall make to the City Council a report of all their proceedings, showing the amount of money received and expended, and for what purpose; what property they have leased; the number of inmates and their sexes and ages; what persons are employed and at what price, and such other matters as may be requisite for the full information of the Council.

Repealing
clause.

ART. 41. (9) That the ordinance approved 5th of April, 1861, No. 5552, entitled an ordinance providing for the management and administration of the fund, and all other ordinances, resolutions and regulations relative to the establishment of the Fink Asylum be and the same are hereby repealed.

See Ordinance 3153, A. S., June, 1875, authorizing purchase of property for the Fink Asylum. Ordinance 4989, C. S., and Ordinance 5398, C. S., making additions to said asylum.

FISK FUND.

Mechanics'
Society divest-
ed of library.
A. S. 7452.
Nov 1881.

ART. 42. Whereas, the New Orleans Mechanics' Society has failed and refused to comply with the demand made by the city for the return of and restoration to her of the Fisk Free Library and property dedicated thereto; and whereas, said New Orleans Mechanics' Society has wholly failed to comply with the provisions of Ordinance No. 802, approved April 13,

1853. and the terms of the contract made in accordance therewith.

ART. 43. (1) That said Ordinance No. 802, approved on said 13th of April, 1853, be and the same is hereby repealed.

ART. 44. (2) That the City Attorney be and he is hereby instructed to institute at once the necessary legal proceedings for the return and restoration to the city of the said Fisk Free Library and property belonging and appertaining thereto, to be used and administered in accordance with terms of bequest under which the same were acquired.

Library transferred to the University of Louisiana.
A. S. 7539.
Jan., 1882.

ART. 45. Whereas, the New Orleans Mechanics' Society are unable to carry out the terms and conditions on which the Fisk Free Library, its property and funds, were transferred to them, under and by virtue of Resolution No. 802 of the Common Council of the city of New Orleans, approved April 13, 1853; and

ART. 46. Whereas, the said New Orleans Mechanics' Society have petitioned for the transfer of the library, its property and funds to the administrators of the University of Louisiana; and

ART. 47. Whereas, the heirs of Abijah Fisk, the donor of the property of the library itself, have also petitioned to the same effect; and

ART. 48. Whereas, the proposed transfer to the administrators of the University will enure to the encouragement of learning and diffusion of knowledge, and thereby secure the benevolent designs of the donor;

ART. 49. (1) That in consideration of the said administrators, present owners of the building known as the Mechanics' Institute, having actually accommodated, free of charge, in the said building the said library, and protected the same from loss or damage of any kind, and in the interests of learning kept the same constantly open to the reading public; and in further consideration of the said administrators having assumed to the satisfaction of the city to carry out all the trusts and duties imposed on the city of New Orleans by the original donation of Abijah and Alvarez Fisk, the said Fisk Free

Rents and revenues. Ib.

Library, with all the property, funds and effects appertaining thereto, together with the lot and building corner Bourbon and Customhouse streets, left by Abijah Fisk, be and the same are hereby transferred to the administrators of the University of Louisiana in New Orleans.

Account to
be rendered
city.

Ib.

ART. 50. (2) That in order to carry out the purposes of this ordinance it shall be the duty of the said Administrators to apply all the rents and revenues received by them from the property of the Fisk Free Library to the maintenance and improvement of the same, and it is likewise made their duty to render an annual account to the city of all the receipts and expenditures for account of the said library.

Reservation
of rights.

Ib.

ART. 51. (3) That the city of New Orleans by this transfer in nowise divests itself of its rights in and to the said Fisk Free Public Library, or the real estate belonging to the said library bequest, simply transferring the same to the Administrators of the University of Louisiana in trust during the pleasure of the City Council of New Orleans.

Notarial act.

Ib.

ART. 52. (4) That the Mayor is hereby authorized to execute a contract by notarial act with the Administrators of the University of Louisiana and the heirs of Abijah and Alvarez Fisk, in order to give further effect to this ordinance, and that all ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

NICHOLAS GIROD.

ART. 53. Whereas, Nicholas Girod, who died September 1, 1840, by his will, dated December, 1837, did bequeath the sum of one hundred thousand dollars to the Mayor of the city of New Orleans, as custodian, for the purpose of establishing an institution for the support and education of orphans of French parent or parents, but the sum of one hundred thousand dollars bequeathed by the said Nicholas Girod in bonds, realized after a great deal of litigation, but the sum of twenty-eight thousand dollars, which, by judicious investment by

various Mayors of the city of New Orleans, was increased to the sum of \$67,034.35 up to the 12th of June, 1860, which again, up to January 1, 1865, was increased to the sum of \$81,801.70. The papers connected with this fund were destroyed by fire in 1867, and by the accounts rendered on the 1st of April, 1870, showed the amount of \$75,703.43 to the credit of the said Girod fund, from which sum a large amount was taken in order to erect the buildings now situated at the rear of Metairie ridge, leaving at the present time about \$639.55 to the credit of said fund; and whereas, the buildings and grounds designated for benevolent purposes have not been utilized for a number of years through the want of necessary funds; and whereas, The financial condition of the city is such that there is no prospect for some time to come of accomplishing the desire of the testator;

ART. 54. Be it resolved, That the Comptroller be and he is hereby authorized to advertise for five days the lease of said buildings and grounds for a period of ninety-nine years to the highest bidder, the rental thereof to be paid yearly, the Council reserving to itself the right to accept or reject any or all bids, and that the lessee be made subject to the following terms and conditions, to-wit:

Comptroller
to advertise.
Ib.

ART. 55. The lessee to bind and obligate himself, his heirs or assigns, by notarial act (provided that the said lessee shall not be permitted to assign the said lease without the special permission of the Council of the city of New Orleans), to put the buildings and other appurtenances in thorough repair, in order to render the same in proper condition for the purpose hereinafter expressed.

ART. 56. The said lessee binds and obligates himself to establish an orphan asylum in which indigent orphans, both male and female, of French parentage, shall be supported and educated free of charge.

ART. 57. The said lessee to bind and obligate himself to have the said premises ready to receive indigent orphans of French parentage in said asylum twelve

months after the signing of the contract herein stipulated, and to receive into said asylum and to succor, support and educate, free of charge, no less than five indigent children during the first five years of its establishment; and thereafter, for the following five years, to receive, succor, support and educate not less than ten indigent children aforesaid, free of charge; and thereafter, for the next five years, to receive, succor, support and educate fifteen indigent children aforesaid, free of charge; and thereafter, for the next five years, to receive, succor, support and educate twenty children aforesaid, free of charge; and thereafter, for the next five years, to receive, succor, support and educate not less than twenty-five indigent children aforesaid, free of charge, and thereafter the said lessee binds and obligates himself, his heirs or assigns to succor, support and educate no less than twenty-five indigent children aforesaid, free of charge, until the expiration of said lease; provided, that there be a sufficient number of indigent children, for the period herein mentioned, seeking admittance into said asylum; provided, nothing herein to be construed as preventing the said lessee from receiving donations pro rata distribution of any funds given for charitable purposes to be applied for the said orphans.

ART. 58. The said lessee to bind and obligate himself, his heirs or assigns, to succor, support and educate, as aforesaid, the said asylum in a proper and satisfactory manner; to allow at all times the free inspection of the buildings, of the inmates and of all the books and affairs of said institution by any officer or committee, or person or persons, authorized for that purpose by the City Council of the city of New Orleans; that the failure on the part of the lessee, or his heirs or assigns, to carry out any one of the conditions herein imposed shall be sufficient cause for the annulment of said contract.

Ordinance No. 10,630, C. S., repeals Ordinance 9218. C. S., accepting bid of Société de L'Orpelinat Français A. Girod.

M'DONOGH FUND.

ART. 59. (1) That the Commissioners appointed by the city of New Orleans to take possession of and administer the property composing the succession of the late John McDonogh, in conjunction with the agents of the city of Baltimore, be and they are hereby invested with all such powers as are necessary to the due and proper management and administration of the said property, as the same are more particularly detailed and set forth in that clause of the last will and testament of the said John McDonogh, in which he provides for the mode of appointment and administration of the said Commissioners.

Powers of
Commission-
ers.
O. S. 2134.
May, 1855.

ART. 60. (2) That all suits, actions or other proceedings which shall or may be instituted by or against the city of New Orleans, touching or growing out of the title and interest of the said city of New Orleans in the property, or of any part or portion thereof, bequeathed to the said city by the said John McDonogh, shall be conducted and prosecuted by the said Commissioners in the name and in the behalf of the said city of New Orleans; and to that end the said Commissioners shall have the right to sue for and demand from the proper tribunals, both of original and appellate jurisdiction, in the name of the said city of New Orleans, all such suits, orders or other process, as they may deem necessary to the due protection of the said city in the said property, and for that purpose to employ an attorney or attorneys at law to appear in the prosecution and in the defence of said suits, and from all judgments and decrees rendered in the premises, whether interlocutory or final, to take all such writs of error or appeals, suspensive or devolutive, as may be allowed by law, and in the name and in behalf of the said city of New Orleans, to execute and deliver all such judicial bonds and obligations as may be required by the proper prosecution or defence of said actions.

Suits.

1b.

ART. 61. (3) A salary at the rate of fifteen hundred dollars per annum shall be paid to each of the said Com-

Compensa-
tion of Com-
missioners.
1b.

missioners, dating from the time of his appointment, and the same to be paid out of the proceeds of said estate.

Board of
Commission-
er.

O. S. 3958.

May, 1858.

O. S. 5008.

March, 1860.

ART. 62. (1) That the Finance Committees of the two Boards of Common Council be and are hereby constituted a Board of Commissioners of the McDonogh School Fund, and as such they are hereby invested with all such powers as are necessary to the due and proper management and administration of the property, and the proceeds of the property acquired from the estate of the late John McDonogh, by the partition made in May, 1857, under and by virtue of a decree of the Fifth District Court in the suit of the City of New Orleans vs. the City of Baltimore et als.

ART. 63. Whereas, the change in the city government has vacated the office of Commissioners of the McDonogh School Fund and the Fink Asylum Fund by abolishing the Finance Committees, whose members constituted the Board of Commissioners aforesaid.

Change of
Board.

A. S. 82.

May, 1870.

ART. 64. (1) That the Mayor, the Administrator of Public Accounts and Administrator of Finance are hereby constituted Commissioners of the aforesaid funds, and are invested with all the powers and duties heretofore belonging to the Finance Committees aforesaid, as defined by existing ordinances.

Chairman.

O. S. 508.

March, 1860.

ART. 65. (2) That the Board of Commissioners aforesaid shall elect one of their number to be chairman of the board, who shall sign all warrants upon the Treasurer, and certify to all matters requiring signature.

Secretary.

Ib.

ART. 66. (3) That the duties of the clerk or secretary, appointed under the provisions of section 3 of Ordinance No. 3958, O. S., shall be to keep such books under the advice and direction of the Board of Commissioners as they may deem necessary; enter therein all amounts received or paid out; collect all revenues; sign and attest, after entering them, all checks drawn by the authority of the board and signed by the chairman, and to report or pay over to the City Treasurer, daily, all amounts collected or received by him; he shall also, under the direction of the board, conduct all corre-

spondence, and generally take cognizance of all matters in which the interest of the fund may require attention, and report twice in each year to the board the condition of the fund as shown by the books.

ART. 67. (4) The City Treasurer shall act as treasurer of this fund, and all moneys belonging to said fund, and paid over to him, shall be specially kept apart and separate from any funds belonging to the city of New Orleans, and shall be entered in a book or books kept specially therefor; all amounts paid out of said fund by him shall also be entered in his book or books so kept by him, and it shall also be his duty to make a detailed report of the condition of said fund monthly to the Board of Commissioners, which report shall be examined by and checked with the books of the secretary.

Treasurer.
Ib.

ART. 68. (5) That the Comptroller of the city of New Orleans be requested to close the account of the McDonogh School Fund, as it now exists upon the books of his department; to make a detailed statement of the receipts and expenditures of the fund to the date of closing the account, and transmit the same to the Board of Commissioners; and, further, that the said Comptroller warrant on the Treasurer in favor of the chairman of the Board of Commissioners of the McDonogh School Fund, for whatever amount there may be remaining in the city treasury to the Commissioners of the McDonogh School Fund, the same to be deposited with the treasurer of the said McDonogh School Fund, subject, with such other funds as may be deposited with him, to draft by the Board of Commissioners, who are, by the first section of this ordinance, to manage and to administer the affairs of the McDonogh School Fund.

Comptroller
to close ac-
count.
Ib.

ART. 69. (1) That the purchase be made for account of the McDonogh School Fund of that portion of ground, with building, etc., situated in the Fourth District of this city, in the square bounded by Ninth, Harmony, Constance and Magazine streets, having about fifty feet one inch and four lines front on Ninth street, and extending through to Harmony street, and lying between McDonogh Schoolhouse and Ninth Street Market, for the

Purchase of
ground.
A. S. 6425.
April, 1880.

price and sum of fifteen hundred and fifty dollars, payable one-third cash and balance at one and two years' credit, with 8 per cent. interest, and payment to be secured by mortgage and vendor's privilege on the property, with all usual stipulations.

ART. 70. (2) That the Mayor be and is hereby authorized to sign and execute in behalf of the city the requisite notes to evidence the credit portion of said price, and, also, any and all acts of sale or other instruments of writing requisite to consummate said purchase in accordance with above terms.

Sale of property.
A. S. 1434,
April, 1872.

ART. 71. (1) That the Mayor and Administrator of Finance be authorized to enter into negotiations and receive propositions, subject to approval by the Council, for the sale of any property of the city of New Orleans derived from the succession of McDonogh, and lying in the parish of Plaquemines, and should they find such sale unauthorized or inexpedient, to report to the Council what action should be had for the proper administration of said property.

SICKLES LEGACY.

Control of funds.
A. S. 1325.
Jan. 1872.

ART. 72. (1) That the money acquired by the city by the bequest of the late S. V. Sickles for the establishment of a free dispensary be placed in the charge of the Administrator of Finance, subject to the control of the Council.

Separate fund.

ART. 73.. (2) That all moneys belonging to this charity shall be specially kept apart and separate from any funds belonging to the city of New Orleans, and shall be entered in a book kept specially for that purpose.

Investment.
Ib.

ART. 74. (3) That all moneys paid into this charity shall be invested in city securities, the interest on which shall be collected and applied to the purpose of supplying the indigent sick with medicine.

Report.
Ib.

ART. 75. (4) That the custodian of this charity shall immediately report to the Council all investments made under authority of this ordinance.

Settlement of claim.
A. S. 1839.
Nov. 1872.

ART. 76. (1) That the Administrator of Public Accounts be and is hereby authorized and directed to settle

the claim of the Sickles bequest to the city of New Orleans for the establishment of a free dispensary, amounting, with interest to December 4, 1871, to \$25,603.78, by the delivery to that charity of \$5050 seven per cent. bonds, letter N, remaining in the hands of the Administrator of Finance, at par, by the payment of A. Shelly's bills, amount \$949.90, under Ordinance No. 1329, and, for the balance, a seven-thirty certificate under Ordinance No. 882.

ART. 77. (1) That the Administrator of Public Accounts be and is hereby authorized and directed to issue to the custodian of the Sickles Fund a warrant for consolidated gold bonds at par for \$20,124.55, being the amount due by the city to said fund on the 1st of May, 1873.

Gold bonds
A. S. 2139.
May, 1873.

ART. 78. (1) That further expenses and disbursements on account of the Sickles Fund be stopped for the present, and that the now dispenser be so notified at once. Also, that the Mayor be authorized to select a committee of three physicians, residents of this city, who shall be requested to furnish this Council with their views and suggestions as to the best plan for carrying out the object of the bequest.

Suspension
of disburse-
ments.
A. S. 4130.
Oct. 1877.

For report, see minutes of Council June 25, 1878.

AMBULANCES.

FOR RIGHT OF WAY—See STREETS.

AMUSEMENTS, ENTERTAINMENTS AND PUBLIC EXHIBITIONS.

See CHARTER—OFFENCES.

ART. 79. That immediately after the passage of this resolution it shall be unlawful to establish or set aside any place for public entertainments without the consent of the City Council.

Consent of
Council.
Ord. No. 7944
C. S.
Aug. 15, 1893.

ART. 80. That whoever shall violate the provisions of this ordinance shall be subject to a fine of not more than

Penalty. 1b.

\$25.00, or in default of payment of said fine, to be imprisoned for a period of time not to exceed thirty days, or both, at the discretion of the Recorder having jurisdiction.

Tax.
Ord. No. 3131
O. S. D e c.
1856.

ART. 81. No person shall exhibit or cause to be exhibited any dramatic composition, ballet, pantomime or other performance of that kind in any theatre of the city where all persons are admitted for their money, nor shall any person entertain the public with any display of fireworks, without having obtained from the Mayor permission for that purpose, and paid the tax thereon, under a penalty of a fine of twenty-five dollars for every such offence; and the said permission shall express the object and the length of time for which it was granted.

Disorderly
acts.

ART. 82. All persons attending any public spectacle are forbidden to commit, either at the doors or in the theatre, lobbies, galleries or corridors, any disorderly acts, to behave riotously, to make any noise, to use violence, insult, indecency, or to offer any kind of aggression, to have their hats on while the curtain is raised, or to smoke in the theatre, the galleries, lobbies or corridors. And every person who, on being thereto required by any police officer on duty at the public spectacle, shall neglect or refuse to observe what is prescribed in this section shall be arrested and fined not less than five nor more than twenty-five dollars.

Vehicles at
places of
amusement.

ART. 83. The public officers shall give the necessary orders that the carriages of persons going to public exhibitions be arranged in a convenient manner in the places they shall appoint, so as not to intercept the public passage or occasion any disorder; and all coachmen are ordered not to leave their horses during the public exhibition under a penalty of ten dollars.

Seats for city
officers.

ART. 84. It shall be the duty of managers of places of amusement to reserve, free of all charge, places for the Mayor, Records, Chief of Police, and such other of the police as may be necessary to preserve order.

Policemen.
Compensa-
tion.

ART. 85. The policemen on guard at theatres or public exhibitions shall be paid by the acting managers, or other

persons having the direction of the said exhibition, at the rate of not less than three dollars and fifty cents for each policeman every time of the performance; and every policeman on duty at a ball shall be entitled to require from the person keeping the said ball the said compensation of three dollars and fifty cents when the ball ends.

Amended by
Ord. No. 6926
C. S.

ART. 86. The Mayor and the Surveyor, as often as they may deem it necessary, shall examine whether theatres and places of public resort be constructed with the requisite solidity and carefully kept in repair, so that the public may assemble there without danger; and they shall adopt suitable measures to prevent accidents that might occur from any negligence in that respect on the part of the proprietors, tenants or other persons having the management or direction of the said theatres or places of public resort.

Inspection
by Mayor and
City Surveyor.
Ib.

ART. 87. It shall be the duty of the Assistant City Attorney to prosecute all violations of this ordinance.

City Attor-
ney. Ib.

ART. 88. By virtue of the powers granted by law to the Mayor and City Council, the Mayor shall cause to be shut up any place of public resort, whenever the maintenance of order and the public safety or tranquillity may require it.

Mayor to
preserve order.
Ib.

ART 89. That hereafter it shall not be lawful for any person to carry a dangerous weapon, concealed or otherwise, into any public hall, tavern, picnic ground, place for shows or exhibitions, house or other place of public entertainment or amusement.

Weapons
—concealed
or otherwise.
Ib.

ART. 90. That any person violating the provisions of the first section of this ordinance by carrying a dangerous weapon, not concealed, into any of the places designated in said section, shall be subject to the payment of a fine not exceeding twenty-five dollars, or to imprisonment in the parish prison not to exceed twenty days, to be imposed by the Recorder within whose jurisdiction the offence is committed.

Dangerous
weapons—
penalty. Ib.

ART. 91. That any person violating the provisions of

Penalty. Ib.

the first section of this ordinance by carrying a dangerous weapon concealed about his person in any of the places designated in said section, shall be arrested and prosecuted for violation of the law relative to the carrying of dangerous weapons concealed about the person.

Police to enforce ordinance
Ib.

ART. 92. That the Chief of Police and the members of the police force of the city of New Orleans be charged with the enforcement of this ordinance, and to that end they are authorized and required to examine all persons entering any of the places specified in section 1 of this ordinance, and to arrest and prefer the proper charges against all persons violating this ordinance.

Military organizations excepted.
Ib.

ART. 93. The provisions of this ordinance shall not apply to the officers and members of military organizations, when acting as such, nor to the carrying of arms or weapons intended to be used in any show, exhibition or other entertainment.

Duty of police.
Ord. No. 306
C. S.
May 22, 1883.
Amended by
Ord. No 6926
C. S.
Nov. 9, 1892.

ART. 94. That the policemen on guard at theatres, shows, balls or exhibitions of any kind, shall have the right and power, and it shall be their duty, to be and remain within said balls, theatres or other places of amusement, or at or about the entrances thereto, and any person connected with such entertainment as owner, agent or employee who shall refuse permission or attempt to interfere with such policemen in the exercise of their said right or duty shall be liable to a fine and imprisonment as herein provided, and that the compensation of such policemen shall be not less than three dollars and fifty cents (\$3.50) per diem each, same to be paid by party or parties responsible for said entertainment.

Number of police.

ART. 95. The Chief of Police or Mayor of the city shall have the right to designate the number of policemen to be placed on guard at any show or exhibition under Ordinance No. 3131, O. S., and all officers so designated, as specified in section 1 of this ordinance.

Right of officers and police to enter.

ART. 96. The Mayor, the Recorder and the Chief of Police, or any corporal, sergeant or other officer of the police force, specially designated by the Chief of Police,

shall have the right at any time and all times to enter during performances, theatres, balls and other public entertainments, to inspect same and receive reports of policemen on duty.

ART. 97. That any person violating the provisions of this ordinance, or refusing or attempting to refuse admission to any one as herein designated, shall be punished by fine not exceeding twenty-five dollars and imprisonment not exceeding ten days, either or both, in the discretion of the court having jurisdiction to try for such offences; and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Penalty. Ib.

ART. 98. That a printed copy of the ordinances concerning public balls, theatres and public exhibitions be placed in a conspicuous position within the enclosure of said balls, theatres and public exhibitions for the purpose of reference, and that in case of neglect or refusal of the managers or owners of such places to comply with the provisions of this section they shall be liable to a fine of fifty dollars for said offence, recoverable before any court of competent jurisdiction: and the police officers on duty shall compel the owners of the balls, theatres, etc., to close for the night.

Copy of this ordinance to be posted.

Ord. No. 3131
O. S.
Dec. 1856.

BALLS.

Art. 99. It shall not be lawful for any person or persons to give, within the limits of the city, any public balls of any description unless permission, in writing, be previously obtained from the Mayor to give said ball or balls, and after payment of license tax, and whoever shall violate the provisions of this section shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided that the fine shall not exceed twenty-five dollars for

Permission.

Ord. No. 3131
O. S.
May, 1859.
Amended by
Ord. 4971 C. S.
Dec. 16, 1890.

Penalty.

each offence, nor the imprisonment more than thirty days.

Mayor to close balls. Art. 100. Whenever the foregoing provision shall be violated it shall be the duty of the Mayor to cause the said ball or balls to be closed immediately by the police.
Ord. 3131, O. S.
May, 1859.

Duration of ball. Art. 101. No public ball shall be prolonged beyond the hour fixed by the Mayor's permit, and every person giving such public ball who shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.
Ord. No. 4970
C. S.
Dec. 16, 1890.

Contrary to public morals, etc. Art. 102. That the Mayor of the city of New Orleans be and he hereby is requested not to issue in future any license to parties asking for them, to give public balls, when such balls are knowingly derogatory to public morals and decency, or in anywise considered a public nuisance.
Ord. No. 3131
O. S.
May, 1859.

Number of policemen. The Chief of Police or Mayor of the city shall have the right to designate the number of policemen to be on guard at any show or exhibition under Ordinance No 3131, O. S., and all officers so designated, as specified in Section 1 of this ordinance.
Ord. 306 C. S.

See Hospital, relative to tax.

See Article 9, relative to duty of police.

COCK-PITS.

Permission. ART. 103. No person shall keep a cock-pit without permission of the Mayor, who may at any time revoke his permission and close the same if order be not preserved.
Ord. No. 3121
O. S.
Dec. 1856,

DOG AND BULL FIGHTING.

Prohibited. ART. 104. That no exhibition whatever, no public or display meeting or assemblage, wherein two or more

persons are present, of dog fighting or bull fighting, wherein and whereat dogs are pitted against each other, on any pretext whatever, wherein for wager, gain or other device or reason, shall be permitted. Whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

ART. 105. That all such exhibitions are hereby declared contrary to the police regulations of this city.

Ord. No. 1194
C. S.
April 7, 1885.
Amended by
Ord. No. 4954
C. S.
Dec. 16, 1890.

Contrary to
police regula-
tions.
Ord. No. 1194
C. S.
April 7, 1885.

GLOVE CONTESTS.

ART. 106. That exhibitions, meetings or assemblages for the purpose or prize fighting between human beings, whether engaged in with or without gloves, or any device or design whatever, whether with or without price of admission, are declared contrary to good order and police of the city are hereby prohibited. Any violation of this section shall submit the offender or offenders to a fine of twenty-five dollars or imprisonment for thirty days.

Prize fights
prohibited.
Ord. No. 1194,
C. S., April
7, 1885.

Penalty.

ART. 107. That exhibitions and glove contests between human beings for the development of muscular strength be and the same are hereby permitted to take place within the rooms of all regularly chartered athletic clubs in the city of New Orleans; provided, that at the time when said exhibitions and glove contests shall take place that the sale or giving of spirituous liquors in said clubrooms is hereby prohibited; and provided further that all such exhibitions and glove contests shall be under the supervision of the police authorities of the city of New Orleans; and provided further, that a glove weighing not less than five (5) ounces shall be

Permitted in
regularly char-
tered athletic
clubs.
Ord. No. 4336,
C. S., March
5, 1890.
Ord. No. 4922,
C. S., De-
cember 9,
1890.

Donation.

used in such exhibitions or contests; but under no circumstances shall this ordinance be construed as permitting any sparring contests in such club or clubs on Sunday; provided further, that for each exhibition the parties shall be required to donate fifty (\$50) dollars, which amount may be increased to a sum not exceeding five hundred (\$500) dollars, for fund of public charities of New Orleans; and that a good and solvent bond of five hundred (\$500) dollars cash shall be given, to be forfeited in case of any violation of said ordinance, the proceeds of said forfeited bond to go to the said fund of public charities.

ART. 108. That Ordinance No. 1194, C. S., except as hereby amended, shall remain and be in force.

SHOOTING GALLERIES.

Permission.
Ord. No. 3121,
O. S.

ART. 109. It shall not be lawful for any person or persons to erect or in manner establish or continue any pistol or shooting gallery within the limits of the city of New Orleans, with out having first obtained the consent of two-thirds of the persons residing within one square of the place where any pistol or shooting gallery is intended to be established, and the permission of the Common Council; and it shall be the duty of any person or persons so establishing such shooting gallery to have the same so enclosed as to prevent the report of fire arms being heard in the street or streets on which the same may be located.

THEATRES.

Diagram of
exits to be
printed.
Ord. No. 973
C. S.
Oct. 21, 1881.

Art. 110. That the owner, lessee, manager or other person or persons having charge or control of any theatre in the city of New Orleans shall cause each and every door and means of exit to be used in the case of fire or panic to be conspicuously numbered so as to be visible to the audience by whom the same is to be used, and shall have or cause to be printed in conspicuous type a plan or diagram and explanation, showing each of said exits thereon and referring to the numbers aforesaid, and the

same shall be printed in conspicuous type as aforesaid on the programme or bill of the play.

ART. 111. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

ART. 112. The Chief of Police is hereby charged with the execution of the requirements of the above ordinance, and the members of the police force, detailed for duty in theatres, shall, at the time of going on duty, examine the programme or bill of the play, and if the same does not contain the required plans, or diagrams, as ordained by this Council, or if any other violation of the law or non-compliance with its requirements be found, the same shall be immediately reported in the same manner as is prescribed in the case of other violations, a copy of the programme or bill of the play, if the same be found defective, to accompany the report.

See hospitals, relative to tax.

See barrooms, relative to concert saloons.

ANIMALS AND BIRDS.

CRUELTY TO ANIMALS—See *Offences*.

DRIVING HORSES THROUGH STREETS—See *Offences*.

ROVING ANIMALS—See *Pounds*.

KEEPING ON PREMISES—See *Stables and Dairies*.

UNLAWFUL CATCHING OF GAME—See *Offences and Fish*.

DOGS.

ART. 113. (1) That no dog shall be permitted to run or be at large upon any street, alley, highway, common or public square, within the limits of the city of New

Penalty.
Ord. No. 4958,
C. S., Dec. 16,
1890.

Duty of the
police.
Ord. No. 973,
A. S., Oct. 21,
1884.

At large.
Ord. No. 4613,
C. S., July 1,
1890.

Orleans, provided that this section shall not apply to any dog to which a tag obtained from the Treasurer is attached.

Owner. ART. 114. (2) Any person who shall harbor or permit
Ib. any dog upon or about his or her premises shall be deemed to be the owner or keeper of such dog.

To be con- ART. 115. (3) It shall be the duty of the owner or
fined. Ib. keeper of a dog to have such dog confined within his or
Amended by her yard or enclosure or secured by a chain therein. Or if
Ord. No. 6494, said dog is allowed outside of said enclosure, it shall be
C. S. the duty of the owner or keeper to have said dog muzzled securely from the 1st day of May to the 30th of September of each year inclusive.

Tenements. ART. 116. (4) It shall be unlawful for the owner or
Ib. keeper of any dog to allow such dog to be at large in any tenement building or yard thereof occupied by two or more families.

Unlawful to ART. 117. (5) It shall be unlawful for any person to re-
release, en- Ib. lease or entice any dog secured by the owner or keeper
tice, etc. within his or her yard, or by a chain, out of the premises of such keeper or owner; nor shall any one molest or seize any dog upon the public thoroughfares, or in the public squares, when such dog has attached to his collar the tag obtained from the Treasurer as provided for in this ordinance.

Vicious dogs ART. 118. (6) Whoever shall keep a vicious dog, and
Ib. shall permit the same to run at large unmuzzled, in the streets, squares or public thoroughfares, shall be subject to the penalty imposed by section 19, of this ordinance, and it shall be the duty of the Commissioner of Police and Public Buildings, or his assistants, and the members of the police force to slay such vicious dog wherever found.

Injury to ART. 119. (7) If any one shall be injured in his person
persons. Ib. or apparel by a dog on the streets, in the squares or on the public thoroughfares, the owner or keeper of such dog shall suffer the penalties provided in section 19 of this ordinance.

Tags. ART. 120. (8) The Treasurer is directed to cause to be
Ib. made, about the first of January of every year, metal dog tags, stamped with some device deemed suitable by him,

and numbered, and he shall furnish them to all persons applying for the same, at the rate of two dollars (\$2) each, said tags to be available only for the year in which issued.

ART. 121. (9) Any person who counterfeits or imitates the tags made and delivered, as herein provided by the Treasurer, or any person who shall put on a dog any such counterfeit or imitation tag shall suffer the penalties imposed by section 19 of this ordinance. Counterfeit-
ing tags. Ib.

ART. 122. (10) Any person who shall maliciously or wantonly remove or cause to be removed, directly or indirectly, any such tag from the dog of another person, shall be subject to the penalties provided in section 19 of this ordinance. Remov-
ing tags. Ib.

ART. 123. (11) It shall be the duty of the Commissioner of Police and Public Buildings, through his assistants, to take up and impound in the workhouse all dogs found running or being at large, contrary to the provisions of this ordinance. Impounding
of dogs. Ib.

ART. 124. (12) The Commissioner of Police and Public Buildings is authorized to appoint, with the approval of the Council, a keeper of the dog pound, a driver of the dog wagon and such number of assistants, of age, as he may deem necessary. The pound keeper shall furnish security in the sum of five hundred dollars (\$500) for the faithful discharge of his duties, and shall receive a compensation of fifty dollars (\$50) per month, and also the profits, if any, that may accrue from the keeping and feeding of dogs impounded under this ordinance. The driver shall receive a salary of forty dollars (\$40) per month. The assistants shall be paid at the rate of one 50-100 dollars (\$1.50) per each day they are on duty. Keeper of
pound. Ib.

ART. 125. (13) The city shall furnish a police officer to the Commissioner of Police and Public Buildings whose duty it shall be to accompany said Commissioner, or his assistants, on the dog wagon, and to aid in the enforcement of this ordinance. Compensa-
tion.

ART. 126. (14) It shall be the duty of the keeper to keep a book, to be furnished by the Comptroller, in which he Police officer
Ib.

Register. Ib.

shall register daily all dogs brought to the pound, by whom brought, and the time of their being released or slain, and the amount of fees and fees paid, which book shall be open at all times for public inspection, under the penalty provided in section 19 of this ordinance. Moreover, the keeper shall make out and furnish weekly to the Commissioner of Police and Public Buildings, who shall forward same to the Comptroller, a detailed statement of the amount of pound fees and all moneys received, which pound fees, etc., shall be deposited with the said Commissioner, who shall convert the same over into the treasury, and the pound keeper failing to furnish such statement, keep the book and make deposit as provided herein, shall be dismissed.

Keeper to
report to
Com. of Police
and Public
Buildings.

Ib.

Redemption.
Ib.

ART. 127. (15) Upon the production to the Commissioner of Police and Public Buildings of the tag provided for in section 8, the keeper or owner of any dog impounded may redeem the same upon paying the following fees, viz. :

Fees.

Ib.

ART. 128. Redemption fee two dollars, (2), and the further sum of five (5) cents per day for each day said dog shall have remained impounded, which shall reimburse the keeper for any expense he has incurred for food for the dog.

When slain.
Ib.

ART. 129. (16) Any dog not redeemed within two (2) days after being taken up shall be slain.

Vicious dogs
at large.

Ib.

ART. 130. (17) It shall be the duty of the Commissioner of Police and Public Buildings, or his assistants, to kill any vicious dog found in violation of this ordinance, which can not be safely taken up and impounded, but it shall not be lawful for any other person to shoot or use poison for the purpose of killing any dog at any other place than at the dog pound, and should any dog be found at large by the said Commissioner or his assistants

Dogs escap-
ing to be deliv-
ered up.

Ib.

and escapes from said Commissioner or his assistants by entering the premises of his owner or keeper, and said owner or keeper refuse to deliver up such dog to the said Commissioner or his assistants, then such owner or keeper shall be subject to the penalties provided for in section 19 of this ordinance; provided, that nothing

herein contained shall be so construed as to authorize the said Commissioner or his assistants to enter the premises or yard of said owner or keeper in pursuit of such dog.

ART. 131. (18) The Commissioner of Police and Public Buildings is hereby authorized to have constructed a suitable dog wagon and to purchase a horse for same.

Dog wagons.
Ib.

ART. 132. (19) That the owner or keeper of a dog and any other person violating the provisions of this ordinance shall be fined not more than twenty-five (\$25) by the Recorder of the district in which the offence is committed, and in default of payment of the fine condemned to imprisonment in the parish prison for a term not exceeding thirty (30) days.

Penalty. Ib.

ART. 133. (20) That all moneys received from the enforcement of this ordinance shall be put to separate account, to be known as the "Dog Tax Fund," out of which shall be paid: first, the cost of tags herein specified; secondly, salaries of officers and other expenses as herein provided for, and the surplus, if any, to be placed to the credit of public improvements, and the Comptroller is hereby authorized and directed to warrant on the Treasurer for such salaries and expenses whenever there shall be money in the treasury to the credit of said fund and not otherwise appropriated, and the Treasurer is authorized and directed to pay in accordance therewith.

Fund.
Amended by
Ord. 4777 C. S.

ART. 134. (21) That all ordinances or part of ordinances, on the subject matter as this ordinance, including ordinances Nos. 6140 and 6491, A. S., and 3042, 3092, 3311, 3687, 3862 and 4338, C. S., are hereby repealed.

Repealing
clause.
Ib.

Act 207 of 1858, p. 148, makes dogs under certain conditions personal property.

GOATS.

ART. 135. That goats running at large in the streets and other public places within the limits of the city be and are hereby declared to be a nuisance.

Nuisance.
May, 1881.
A. S. 7045.

ART. 136. No goats of any description shall be permitted to run at large within the limits of the city of

Goats running at large.
Ib.

New Orleans as aforesaid, and all goats thus found shall be taken up and placed in a pound.

Impounding
and selling of
goats. Ib.

ART. 137. When any goat or goats are thus taken up it shall be lawful for the Administrator of Police, and it is hereby made his duty, to sell the same at auction to the highest bidder, for cash, after posting said sale on the outside door of the pound, where the same is to be made. Said sale shall take place at 12 o'clock M., on the second day after the impounding; provided, no bid shall be accepted unless it is sufficient to cover the expenses incurred in impounding said goat or goats. The city of New Orleans, through above-mentioned Administrator or his representative, shall be permitted to bid at such sales. All money arising from aforesaid sales shall, after all expenses deducted, be paid over to the owner or owners, on their proving to the satisfaction of the Administrator of Police that the property of such goat or goats is in them; but if no owner appear, the said money, after deducting the costs aforesaid, shall be paid into the City Treasury.

Duty of Ad-
ministrator of
Police. Ib.

ART. 138. It is hereby made the duty of the Administrator of Police to see that this ordinance is efficiently and properly enforced, and he is hereby authorized to employ assistants to aid him in carrying out its provisions.

Duty of Po-
lice. Ib.

ART. 139. It is also made the duty of the officers and members of the Crescent City Police force to take up, or cause to be taken up, any and all goats running at large within the above described limits, and make the proper affidavits against the owner or owners.

Pound fees.
Ib.

ART. 140. A sum of fifty cents shall be paid for each stray goat brought to the pound, and the same shall be included in the expenses incurred in impounding said goat.

Expense. Ib.

ART. 141. The expense for impounding each and every goat is hereby fixed at the sum of two dollars and fifty cents.

Penalty. Ib.

ART. 142. That it shall be unlawful for any owner or owners of a goat or goats to permit the same to run at large within the above described limits, and that any

owner or owners violating the provisions of this section shall be subject to a fine of five dollars, and in default of payment of said fine shall be imprisoned for a term of five days by the Recorder within whose district the said owner or owners may reside.

HOGS.

ART. 143. It shall not be lawful for any person to keep a hog or hogs within the pound limits of this city, nor permit the same to run at large, under the penalty of not less than five dollars nor more than twenty-five dollars for each and every offence.

Hogs running at large.
Aug. 1866.
N. S. 235.

ANIMALS—GENERAL PROVISIONS.

ART. 144. No wild and ferocious animals shall be kept within the limits of the city, on the premises of individuals or in menageries, unless such animals be under the charge of an armed guard day and night.

Wild animals to be guarded.
Jan. 1867.
N. S. 427.

ART. 145. Any person or persons committing any of the offences, or violating any of the provisions hereinbefore named in section second, shall be fined not less than ten nor more than fifty dollars, and in default of the payment of the penalty he shall be imprisoned not exceeding thirty days.

Penalty. Ib.

ART. 146. That the driving of horned cattle, hogs and sheep on Peters street or the river front, from Carrollton to Flood street, is hereby prohibited.

Driving cattle in certain limits prohibited. Ord. No. 3521 C. S.

ART. 147. That any person violating this ordinance shall be subject to a fine of not less than five and not more than twenty-five dollars, or imprisonment for not less than ten and not more than thirty days for each and every offence.

Penalty. Ib.

ART. 148. That it shall be the duty of all police officers to arrest all persons so offending and to make the proper affidavits against such persons.

Duty of police. Ib.

ART. 149. That no person or persons shall bring into or within the limits of the city of New Orleans any animals sick with glanders. It is made the duty of the officers of the police force and also of all owners or persons in charge of animals, including veterinary sur-

Regulating the treatment and disposal of animals, sick with glanders or being suspected of glanders.

and to prohibit geons, to promptly report to the Board of Health any
 and prevent the introduc- case or cases coming to their knowledge of animals sick
 tion of such animals into with glanders, as also every case which may be regarded
 the City of New Orleans, as suspicious or exhibiting symptoms of said disease.

Ord. No. 7741

C. S.

Adopted

June 27, 1893.

ART. 150. Whenever any animal is pronounced gland-
 ered by the veterinary surgeon of the Board of Health,
 or by any other graduated and reputable veterinary sur-
 geon, the Board of Health shall order the killing of such
 animal and the disposition of the carcass in such man-
 ner as said Board of Health may deem safest. All
 animals suspected of glanders shall be isolated at owner's
 expense in such manner as the Board of Health may desig-
 nate until the true condition of the animal is established.
 Any owner of any animal having cause to suspect the
 same to be glandered, or any veterinary surgeon treat-
 ing any animal so suspected, who shall fail to report
 immediately such suspected case to the Board of Health
 shall for each such neglect or failure to thus report be
 fined in a sum not exceeding twenty-five dollars, or im-
 prisoned not exceeding thirty days; and any owner not
 submitting any animal suspected of being glandered to
 investigation and proper inspection by the veterinary
 surgeon of the Board of Health for ascertainment of its
 condition, or not isolating a suspected animal as the
 Board of Health may direct, or removing or killing or
 disposing of any glandered or suspected animal in a
 manner contrary to the directions and intendments of
 this ordinance shall for each offence be fined not more
 than twenty-five dollars or imprisonment not more than
 thirty days.

Repealing
 clause.

Ib.

ART. 151. All ordinances in conflict with this ordi-
 nance and all upon the same subject matter are hereby
 repealed.

GAME.

Wild duck,

etc.

Ord. No. 6016

Feb 2, 1892.

Amended by

Ord. No. 7306

C. S.

Amended by

Ord. No. 8233.

March 16,

1893.

ART. 152. That from and after the passage of this
 resolution it shall be unlawful for any person or persons
 to catch, kill or pursue with such intent any wild duck,
 geese or poule d'eau, or to have same in possession after
 it has been caught or killed, within this parish, between

the fifteenth day of April and the first day of November, inclusive, of each year.

ART. 153. That whoever shall violate the provisions of this resolution shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days. Penalty. Ib.

ART. 154. That all laws or parts of laws in conflict herewith be and the same are hereby repealed. Repealing clause. Ib.

ART. 155. (2) That no deer, buck, doe or fawn shall be driven and hunted with hounds or ambushed and shot at, excepting between the period beginning on August 1 of each year and continuing until March 1 of the following year, inclusive. Deer, buck or fawn. Ord. No. 357 C. S. July 10, 1883.

ART. 156. (3) That no hare or rabbit shall be trapped, wounded, killed or shot at in this parish during the months of May, June and July of each year after the passage of this ordinance. Hare or rabbit. Ib.

ART. 157. (4) That it shall be unlawful for any person or persons to trap, wound or kill any quail or partridge, excepting during the period beginning on the first day of October of each year, and continuing until the first of April of the following year, inclusive. Quail or partridge. Ib.

ART. 158. (5) That no grosbecque or night-heron shall be trapped, snared, wounded or killed, or their nests disturbed and robbed in this parish, excepting during the period beginning July 1 of each year, and continuing until September 30 of each year, inclusive. Grosbecque or night heron. Ib.

ART. 159. (6) No rail or marsh fowls, whether blue, big rail or rice, nor any other aquatic or marsh fowl kindred to our parish or State, shall be shot at or killed in the parish of Orleans during the months of May, June and July of each year. Rail or marsh fowls. Ib.

ART. 160. (7) That the trapping of all birds, such as the mocking bird, the red bird and other song birds is Song birds. Ib.

hereby prohibited, excepting during the period or season prescribed in the game law of the State already in existence, and this ordinance in no manner changes or alters the said law in this particular instance.

Grass, lark or
caille, pap-
bott or swal-
low.

ART. 161. (8) All summer birds, such as the grasse, lark or caille, dore, martin, papabotte or swallow, although
Ib. kindred to our State require no protection, as they are devoid of flesh or flavor, in fact worthless, when killed out of season.

Migratory
birds.

ART. 162. (9) All migratory birds or fowls, such as the duck, teal of whatever species, excepting the wood duck,
Ib. can be shot at and killed during the entire year, as also the snipe, plover, and in fact any other bird or fowl not kindred to our State and parish, unless it be birds of prey, such as the hawk, eagle, falcon and other destructive birds, they to be treated as migratory under this ordinance.

See Art. 151 in connection with this article.

Wild beasts.

ART. 163. (10) All wild beasts not generally used as
Ib. food, such as coons, wildcats, panthers, opossums, minks or other furred animals, are not to be considered as game under this ordinance, and may be caught or killed by any person so inclined.

Penalty.

ART. 164. (11)* Any person or persons violating any
Ib. of the sections of this ordinance shall, upon conviction thereof, before any Recorder of this parish, be fined twenty-five dollars or imprisoned for thirty days for each and every offence. This ordinance to go into effect immediately upon its passage, all laws and ordinances or parts of laws contrary hereto being hereby repealed and annulled.

Repealing
clause.

SPARROWS.

Repealing
Ordinance No.
2295, C. S.

ART. 165. Whereas, the sparrow, under the fostering care of Ordinance No. 2295, A. S., has become a great nuisance by reason of their enormous increase in number and natural rapacity and aggressiveness, a source of serious loss to gardeners and others, and the destroyer of our native songster, the mocking bird; therefore,

Resolved that Ordinance 2295, A. S., be and the same

is hereby repealed; all persons shall hereafter be permitted to kill, capture or in any way destroy the said sparrow; provided, however, that nothing herein shall be construed as giving the right to use firearms within the city limits, or to in any other manner violate existing ordinances in such destruction.

Ord. No. 2980
C. S.
June 4, 1888.

PIGEONS.

ART. 166. That it shall be unlawful for any person or persons, owning or harboring pigeons, to allow them to go at large within the city limits.

Pigeons at large.
Ord. No. 1930
C. S.
Sept. 7, 1886.

ART. 167. That any person or persons owning pigeons, who shall suffer or allow them to go at large within the city limits, shall be punished by a fine not exceeding twenty-five dollars (\$25), or in default of the payment thereof to ten (10) days' imprisonment on conviction before the Police Judge having jurisdiction over the domicile of the person or persons so offending.

Penalty.
1b.

ACTS OF THE LEGISLATURE.

REVISED STATUTES OF 1870.

SEC. 814. Whoever shall steal any horse, ass or mule, shall suffer imprisonment at hard labor not less than one year, nor more than five years.

Stealing horses, asses or mules.

SEC. 815. Whoever shall wantonly or maliciously kill any horse, mule or jackass, or any beast of the cow or hog kind, or a dog, the property of another person, shall be fined in a sum not exceeding two hundred dollars, or imprisoned not exceeding six months, and shall pay to the owner the value of the animal killed.

Malicious killing of certain animals.

SEC. 816. Whoever shall wantonly or maliciously cruelly beat, maim or disable any of the animals specified in the foregoing section shall be fined not exceeding one hundred dollars, or imprisoned not exceeding one month, and shall pay to the owner any damage he may sustain in consequence thereof.

Beating or maiming animals.

ACT NO. 44 OF 1888.

Defining certain misdemeanors arising out of cruelty to domestic or domesticated animals and prescribing the punishment therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana, That if any person shall overdrive, overload, torture, torment, deprive of necessary sustenance or unnecessarily or cruelly beat or mutilate or kill, or cause or procure to be overdriven,*

overloaded, tortured, tormented or deprived of necessary sustenance, or to be unnecessarily or cruelly beaten or mutilated or killed as aforesaid, any domestic or domesticated animal, every such offender shall, for every such offence, be deemed guilty of a misdemeanor and shall be punished as hereinafter provided.

SEC. 2. Any person who shall impound or cause to be impounded, in any pound or yard, for safekeeping, sale or slaughter, or shall confine in any stable, shed or in any place whatsoever, any domestic or domesticated animal, shall supply the same, during such confinement, with a sufficient quantity of good and wholesome food, water, and give to such animal proper attention, and in default thereof shall, upon conviction, be adjudged guilty of a misdemeanor.

SEC. 3. It shall be unlawful for any person or corporation, engaged in transporting live stock on railway trains, steamboats or otherwise, to detain such stock in cars or compartments for a longer continuous period than twenty-four hours without supplying the same with necessary food, water and attention, or to permit them to be so crowded together as to overlie, crush, wound or kill each other; any such person or the agent of such corporation, on conviction, shall be guilty of a misdemeanor and shall be punished as hereinafter provided; provided, nothing in this section shall apply to owners or officers or crews of watercraft who shall be detained on the navigable waters of this State by storms and prevented by bad weather from reaching port; provided, nothing in this act shall be construed to apply to poultry shipped on steamboats or other crafts.

SEC. 4. That any person guilty of any one of the misdemeanors defined or set forth in any of the foregoing sections of this act shall, on conviction thereof, be punished by fine or imprisonment, or both, at the discretion of the court, which fine shall not exceed one hundred dollars nor the imprisonment three months.

ACT No. 107 OF 1882.

To amend and re-enact Section 1201 (twelve hundred and one) of the Revised Statutes of Louisiana, with reference to property in dogs.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That section 1201 (twelve hundred and one) of the Revised Statutes of Louisiana be amended and re-enacted so as to read as follows: From and after the passage of this act dogs owned by citizens of this State are hereby declared to be personal property of such citizens, and shall be placed on the same guarantees of law as other personal property; provided, such dogs are given in by the owner thereof to the Assessor.

SEC. 2. *Be it further enacted, etc.,* That no dog shall be entitled to the protection of the law unless the same shall have been placed upon the assessment rolls.

SEC. 3. *Be it further enacted, etc.*, That in civil actions for the killing of or for injuries done to dogs the owner can not recover beyond the amount of the value of such dog or dogs, as fixed by himself in the last assessment preceding the killing or injuries complained of.

ACT NO. 19 OF 1888.

Relative to societies for prevention of cruelty to animals; their organization; their officers, members and agents and the fines collected in prosecutions instituted by them; and the duties of municipal corporations with respect thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That any number of persons not less than seven shall have the power to form themselves into a corporation for the prevention of cruelty to animals, in the same manner and form, and with the powers, franchises and immunities, and under the same conditions and restrictions now provided by law for the organization of corporations for literary, scientific, religious and charitable purposes.

SEC. 2. *Be it further enacted, etc.*, That whenever such corporations shall have been organized for the purpose of prevention of cruelty to animals, in any incorporated city or town, or in any parish of this State, it shall be lawful for, and the duty of, the Mayor of such city or town and the police jury of such parish, respectively, as the case may be, to appoint and commission as special police officers such agents as such corporation for the prevention of cruelty to animals may nominate; and such agents being so commissioned shall have the usual power of policemen and peace officers; provided, that no city, town or parish shall be liable hereunder for any compensation to such special officers, and it shall be the duty of the police force of all incorporated cities and towns in the State, as occasion may require, to aid any such corporation for the prevention of cruelty to animals, its members or agents, in the enforcement in its respective locality of all laws which are now or may hereafter be enacted for the protection of dumb animals.

SEC. 3. *Be it further enacted, etc.*, That it shall be the right and duty of municipal corporations in this State to provide by ordinance for the punishment of cruelty to animals, when committed in any street, park, levee or other public place in the limits of such corporation, by fine or imprisonment, or both, as a police offence.

Act 20 of 1888, p. 23, provides penalties for landing diseased animals within certain limits or slaughtering same for food.

Act 60 of 1877, E. S., p. 100, protection of game.

Act 79 of 1882, p. 101, protection of game.

Act 60 of 1879, can not be killed.

Act 53 of 1894, making it a misdemeanor to hold, hitch or fasten a stallion or any noisy animal near any place of public worship or Sunday School.

Act 84 of 1884, p. 110, hogs at large on levees may be killed.

ARCHIVES—SEE “KEEPERS.”

APPROPRIATIONS.

Limit of expen-
diture.
City Charter,
Sec. 66.

ART. 168. The Council shall not, under any pretext whatever, appropriate any funds for the government of the corporation to the full extent of the revenues, but shall reserve 25 per cent. of said revenues, which reserve and all sums, rights, interests and credits received from miscellaneous or contingent sources shall be appropriated by the Council for the purposes of permanent public improvement, as herein provided for.

Property sub-
ject to taxa-
tion.
Sec. 67, Ib.

ART. 169. That all real and personal property in the city of New Orleans, whether owned by individuals or corporations, shall, for the purposes of this act, be liable to taxation, subject only to the exemptions in the Constitution of this State.

One-twelfth
rule.
Ord. No. 6512,
C. S., July 5,
1892.

ART. 170. That during 1883 and thereafter, in the matter of salaries, wages, contracts, interests, pay rolls, or other matters capable of monthly divisions, it shall not be lawful to ordinance in any one month for a greater sum or proportion than one-twelfth of the amount set apart for such objects and purposes in the annual budget; provided, that in any of the departments where there is or may be a surplus remaining over from the one-twelfth division of the preceding month, said surplus may be used in any following month to make up for any unforeseen or extraordinary expenses that may occur during said month. The object and intention of this ordinance being to prevent an overdraw in any of the departments of the city at the end of the fiscal year.

ART. 171. That all ordinances on this subject matter be and the same are hereby repealed.

ASSESSORS—BOARD OF.

ART. 172. (3) That the Governor shall appoint, by and with the consent of the Senate, seven (7) tax assessors, one from each municipal district of the parish of Orleans, and for their service shall receive each

the sum of twenty-five hundred dollars (\$2500) per annum, to be paid monthly, by warrant of the Auditor, out of the treasury of the State, and no perquisites, fees or commission shall be allowed. The present assessors shall hold office until the thirty-first day of December, 1892, and the Governor shall appoint their successors for a term of four years. The assessors so appointed shall constitute a Board of Assessors for the parish of Orleans, and shall exercise their functions jointly in the assessing and listing of property in and for the parish of Orleans. The board shall appoint its own clerical force, and fix their pay within the limits prescribed. The City Council shall provide a suitable room in the City Hall for the use of the Board of Assessors, and shall appropriate not less than seventeen thousand five hundred dollars, nor more than twenty thousand dollars, for the payment of said clerical force and contingent expenses of the board, not including such blanks as are furnished by the Auditor under the existing laws. The clerical force of the Board of Assessors shall be paid monthly on the city pay rolls under instructions from the board.

One tax assessor for each municipal district of parish of Orleans; how appointed and compensated; term of office.

ART. 173. (5) That each of the said Tax Assessors for the parish of Orleans shall take the constitutional oath of office, and shall execute his bond, in favor of the Governor of the State of Louisiana, for the sum of five thousand dollars, with solvent sureties, who shall be bound *in solido* with each other and with their principals, but each surety may bind himself for a limited sum, not less than five hundred dollars. Provided, the aggregate of said sums shall be five thousand dollars.

Oaths and bonds of assessors for Orleans parish.

ART. 174. (24) That in the parish of Orleans all the assessors in and for the said parish, who are hereby constituted a Board of Assessors for said parish, shall meet on the second day of January in each year, or, if a holiday, then the next succeeding day not a holiday, and daily thereafter until the assessments shall have been completed (Sundays and legal holidays excepted), which shall in all cases be done on or before the first day of

Assessors of the parish of Orleans constituted a board; time of meeting; their duties and powers.

March of each year; their office hours are hereby fixed at from 9 o'clock A. M. to 4 o'clock P. M.; they shall obtain the original lists, and shall proceed to assess the valuation of each item of property within their districts, and it shall be their duty to place a valuation thereon according to the best information, knowledge and judgment they possess, to the end that the actual cash value may be ascertained, being governed by the proper system of equality and uniformity in assessment. Any four assessors in the parish of Orleans shall constitute a quorum to perform the duties herein prescribed. If a majority of the assessors in the parish of Orleans can not agree upon a definite valuation of any item of property, then an average of all the valuation placed thereon, placed by the several members present, shall be made, and said average shall be the valuation placed upon said items. The said assessors shall give

Notice of completion of the lists to be given by them

notice, by ten days' publication in two daily journals, immediately upon the completion of the assessment of the property that the assessment of the property has been completed, and the estimated valuation made thereon, and the said lists will be exposed in the office of the Board of Assessors, for inspection and correction, for a period of ten days, beginning next after first insertion of said notice. The failure of any of said officers

Failure to perform prescribed duties to vacate office of the delinquent assessor.

to attend and perform the duties herein prescribed shall vacate his office, except when prevented by sickness or other unavoidable causes. That in the parish of Or-

Register of conveyances; his duties.

leans it shall be the duty of the Register of Conveyances to furnish, without payment of fee being required, weekly to the Board of Assessors a copy of all transfers of property, including that of property sold to others or adjudicated to the State for taxes, as well as acts of redemption. All transfers of property must be accompanied by a diagram of the square, showing the property conveyed, for the proper guidance of the assessor. It shall further be the duty of every one recording a judgment of court "putting in possession" to describe the property.

ART. 175. (26) That all taxpayers in the parish of

Orleans shall have the right to appear before a standing Committee on Assessments of the City Council of New Orleans, between the twenty-first day of March and the tenth day of April inclusive, of the year in which the assessments are made, and in the parishes before the Board of Reviewers, as provided for in this act, during the sessions of said board, and be heard concerning the descriptions of the property listed and the valuation of the same as assessed; and they shall have the right of testing the correctness of their assessments before courts of justice in any procedure which the Constitution and laws may permit; but the action to test such correctness shall be instituted on or before the first day of November of the year in which the assessment is made. In all suits for the reduction of assessments the State tax collectors of the respective parishes shall be made parties.

The said committee on assessment shall meet on the 21st day of March, or if a holiday, then on the next succeeding day not a legal holiday, in the city of New Orleans, of each year, to consider and examine into the applications of those owners of assessed property who believe the assessors' valuation to be in excess of and beyond the actual cash value of the property assessed. Said committee shall determine upon said applications, but their duties are confined entirely to the question of valuation and description, and report their action at once to the City Council for approval or rejection; said report to contain the affidavit of a majority of the committee that the valuations so fixed are the valuations provided by law; and decision by the Council shall be final, unless set aside in accordance with Article No. 203 of the Constitution. That the said committee on assessment shall be and are hereby empowered to increase any assessment imperfectly or improperly made; provided, that before said increase is made the taxpayer be served with notice to appear before said committee within three days and show why such increased assessment should not be made. In passing upon any application for reduction in valuation, and

Taxpayers to be heard by a standing committee on assessments of New Orleans City Council and also may test the correctness of assessments before the courts of justice.

Powers and restrictions of said committee on assessments.

before determining upon any increase in valuation, the Board of Assessors must be heard in reference thereto, and they are expected to be present at all sessions of said committee. No application to be considered by the said committee unless said application has been first made to the board and refused. In all cases the action of said committee to be finally reported back from the Council to the assessors not later than the 18th of April, or the revision to be null and void.

ASSESSMENT DISTRICTS.

First Municipal District.

City divided
into assess-
ment dis-
tricts.
Ord. No. 135,
A. S., May,
1870.

ART. 176. *First Assessment District*—Bounded by the lower side of Felicity street and the upper side of Thalia street; in front by the Mississippi river and in the rear by the intersection of Felicity and Thalia streets.

ART. 177. *Second Assessment District*—Bounded by the lower side of Thalia street and the upper side of St. Joseph and Delord streets; in front by the Mississippi river and in the rear by Carrollton avenue.

ART. 178. *Third Assessment District*—Bounded by the lower side of St. Joseph and Delord streets and the upper side of Poydras street; in front by the Mississippi river and in the rear by the limits of the city.

ART. 179. *Fourth Assessment District*—Bounded by the lower side of Poydras street and the upper side of Gravier street; in front by the Mississippi river and in the rear by the limits of the city.

ART. 180. *Fifth Assessment District*—Bounded by the lower side of Gravier street and the upper side of Canal street; in front by the Mississippi river and in the rear by the limits of the city.

Second Municipal District.

ART. 181. *Sixth Assessment District*—Bounded above by Canal street and the lower limits of the First District; below by St. Louis street; in front by the river bank and in the rear by Lake Pontchartrain.

ART. 182. *Seventh Assessment District*—Bounded by St

Louis street; below by St. Philip street; in front by the river bank and in the rear by Lake Pontchartrain.

ART. 183. *Eighth Assessment District*—Bounded above by St. Philip street; below by Esplanade street and the limits of the Second District; in front by the river bank and in the rear by Lake Pontchartrain.

Third Municipal District.

ART. 184. *Ninth Assessment District*—Bounded above by Esplanade street and the lower limits of the Second District; below by Mandeville street; in front by the river bank and in the rear by Lake Pontchartrain.

ART. 185. *Tenth Assessment District*—Bounded above by Mandeville street; below by the lower limits of the city; in front by the river bank and in the rear by the rear limits of the city.

Fourth Municipal District.

ART. 186. *Eleventh Assessment District*—Bounded above by Toledano street; below by Felicity street; in front by the river bank and in the rear by Chestnut street.

ART. 187. *Twelfth Assessment District*—Bounded above by Toledano street; below by Felicity street; in front by Chestnut street and in the rear by the rear limits of the city.

Fifth Municipal District.

ART. 188. *Thirteenth Assessment District*—All that portion of the city of New Orleans situated on the right bank of the Mississippi river known as the Fifth District.

Sixth Municipal District.

ART. 189. *Fourteenth Assessment District*—Bounded above by Joseph street; below by Toledano street; in front by the river bank and in the rear by the intersection of Toledano and Joseph streets.

ART. 190. *Fifteenth Assessment District*—Bounded above by the upper limits of the city; below by Joseph street; in front by the river bank and in the rear by the rear line of the Sixth District.

Seventh Municipal District.

ART. 191. *Sixteenth Assessment District*—Bounded by Lowerline street and Upperline street; in front by the Mississippi river and in the rear by Lake Pontchartrain.

Taxation, exemptions, etc., see Constitution of the State of Louisiana. Arts. 118, 176, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214 and 218.

Delinquent taxes, Act 98 of 1882.

Costs and penalties, Act 22 of 1884.

Postponement of payment under Art. 22 of the Constitution; Act 59 of 1884.

As to taxes, etc., see Taxes and Revenue.

DECISIONS.

Valuation of property, 41 An. 1156.

Assessors liable to city for loss from want of ordinary diligence, 11 An. 146.

Assessment must be objected to as law directs, 28 An. 417, 681; 31 An. 475, 806; 32 An. 160; 35 An. 650; 41 An. 565.

Assessment *stricti juris*, 32 An. 235; 33 An. 1164; 34 An. 408; 42 An. 374.

In wrong name, 30 An. 175, 293; 32 An. 913; 34 An. 108; 35 An. 1087.

In husband's name, 32 An. 924.

In name of heirs, 34 An. 260.

In agent's name, 33 An. 556.

Improper assessment, 33 An. 953; 42 An. 374.

ATTORNEY—CITY.

FOR COLLECTION DELINQUENT TAXES—See *Taxes*.

EMPLOYMENT OF ASSISTANT CLERKS—*Organization*.

IMPEACHMENT—See *City Charter*, Sec. 58.

TAX BUREAU—See *Taxes*.

His duties.
City Charter,
Sec. 27.

ART. 192. The City Attorney shall be the legal adviser of the corporation on all matters in which his advice may be necessary, and represent said corporation within the State in all judicial proceedings, suits, actions and contestations in which it may have an interest as hereinafter provided. No extra compensation or fee shall be allowed him, and no attorney shall, in any case, be appointed to assist him, unless by a vote of two-thirds of the members present of the Council. He shall receive a salary of three thousand five hundred dollars per year. He shall have the appointment of all assistants or assistant counsel that the the Council may allow him. He shall be appointed by the Council for the term of four years.

Salary.

ART. 193. (4) He shall draft such ordinances as may be required of him by either board of the Common Council, or any committee thereof. Draft ordinances. Ord. No. 1448, March 30, 1854.

ART. 194. (5) He shall, when required by the Mayor, Treasurer, Comptroller or Surveyor, prepare any bond, contract or other document required by either of said officers; shall inspect, previous to being executed, all accounts or contracts to be made by the corporation; and shall require that the interests of the city be protected therein by proper and fitting conditions and specifications. Prepare documents. Ib.

ART. 195. (6) He shall keep in proper books a record of all actions prosecuted and defended by him, and all proceedings had therein; shall, whenever a judgment shall be rendered against the city, report the same forthwith to the Mayor and to the Council, and whenever said judgment may, in his opinion, be erroneous, appeal the same, if the same be appealable. Keep records of actions, etc. Ib.

ART. 196. (7) He shall, immediately upon the recovery of any debt due the corporation, forthwith pay the amount thereof into the city treasury, stating the nature of the debt, the person against whom, and amount and time of recovery. Payment of moneys. Ib.

ART. 197. (9) The salary paid the City Attorney shall be a full compensation for all services rendered to the corporation, or any officer thereof; and no fee or extra compensation shall in any case be paid him. Salary. Ib.

ART. 198. (10) He shall, upon the expiration of his term of office or removal therefrom, or resignation thereof, forthwith, on demand, deliver to his successor in office all papers, deeds or contracts in his hands, belonging to the corporation or delivered to him by any officer of the corporation, and all papers in actions or proceedings prosecuted or defended by him and then pending or undetermined, together with his books of record thereof and of the proceedings therein. Duties at end of term. Ib.

ART. 199. That whenever a bill of costs shall be presented for payment to the city by the sheriff, clerks of courts, justices of the peace and constables, and that, after due and proper consideration thereof, said bills of Bills of costs. Ord. No. 3869, April 10, 1858.

cost shall be found correct and approved, it shall be the duty of the before-named officers respectively, besides the general receipt given by them on said bills, to enter upon their books of costs in each and every suit, a separate receipt in their own handwriting, acknowledging payment from the city of the amount of costs thus approved as aforesaid, to be paid to them.

Duty of City
Attorney and
assistants.

Ib.

ART. 200. It shall be the duty of the City Attorney and of the Assistant City Attorney to certify that the aforesaid formality has been faithfully complied with, according to the suits belonging to their respective departments.

Duty of Comptroller.

Ib.

ART. 201. The Comptroller shall not warrant in favor of the before-named officers, unless the City Attorney or Assistant City Attorney certify, across said bill of costs or accounts, that the formalities as aforesaid, of giving another receipt on their books in each suit, has been complied with.

For his duties as to Insane Persons, see "Almshouses," etc.
For his duties as to Opening Streets, see "Streets."
See City Charter.

To Collect Bonds, Acts 1835, p. 179.

Also Act 1837, No. 104, p. 98. Approved March 13.

See State vs. Harris, 3 An., p. 67.

See State vs. Harris, 2 An., p. 516.

ASSISTANTS.

City Attorney's
assistant.

Ord. No. 34,

C. S.

Amended by

Ord. No. 4116,

C. S., Nov.,

1889.

ART. 202. (1) That the City Attorney be and he is hereby authorized to appoint and employ three assistants, who shall be practising lawyers, to render services as such, and aid and assist the City Attorney, at his request and under his direction, in all matters of litigation, legal advice, preparation of ordinances, etc., embraced in the duties prescribed by law for the City Attorney. They shall receive an annual salary of twenty-four hundred dollars each, payable monthly, and hold employment at the will of the City Attorney; and to appoint one assistant, as clerk, at an annual salary of eighteen hundred dollars (\$1800), payable monthly, whose duty it shall be to keep the books, dockets and records of the office; he shall also be an attorney at law and render service as such in the courts when required

to do so by the City Attorney, and he shall be styled Clerk and Assistant City Attorney.

ART. 203 (1). That the City Attorney be and he is hereby authorized to appoint and employ, in addition to the one already appointed, an assistant who shall be a practising lawyer, whose principal duty it shall be to take charge of the collection of delinquent taxes and licenses and render services as such and aid and assist the City Attorney, at his request and under his direction, in all matters of litigation, legal advice, preparation of ordinances, etc., embraced in the duties prescribed by law for the City Attorney. He shall receive a monthly salary of \$200 and hold employment at the will of the City Council.

Assistant for
collection of
delinquent
taxes and li-
censes.
Ord. No. 2988,
C. S., June 5,
1888.

ART. 204. That in all cases, where injunctions granted against the city or its officers are dissolved, the City Attorney, in his department, and the Assistant City Attorney, in his department, be authorized to institute suits on the injunction bonds to recover damages, whenever, in the opinion of these officers, the injunctions were issued without legal cause.

Injunction
bonds.
Ord. No. 1980,
Jan. 27, 1855.

ART. 205. That the Assistant City Attorney be and he is hereby instructed not to place any claim of the city in suit in any court where the justice or clerk of the court have failed to furnish, weekly, full and prompt returns of moneys collected by them; and the Assistant Attorney is further instructed to report weekly to the Council or the Finance Committee any such delinquency of any officer of court receiving money for account of this corporation.

Not to sue in
certain courts.
Ord. No. 1710,
July 5, 1857.

ART. 206. That the Assistant Attorney be, and he is hereby authorized, in all cases when he shall be satisfied by proper evidence that the persons against whom judgments have been rendered in favor of the city for taxes were not owners of property assessed to them, to cause said judgments to be canceled, and that he be required to keep a record of all such cases, which shall be presented to the Treasurer, together with his reports of collections.

Canceled of
judgments.
Ord. No. 2416.

ART. 207. The Assistant City Attorney is hereby di-

Recording of judgments.
Ord. No. 1176,
Nov. 23, 1853

rected to cause to be recorded the judgments in favor of the city of amounts of ten dollars and upward, and that the Treasurer be and he is hereby authorized to pay, on the warrant of the Comptroller, fifty cents for each insertion of said judgments by the Recorder of Mortgages.

IMPEACHMENT—See *City Charter*, Sec. 58.

TAXES—See *Tax Bureau*.

ACT NO. 44 OF 1894.

Prohibiting certain officers from appearing as attorneys.

Amending Section 117, R. S.

SEC. 117. No judge, justice of the peace, clerk or deputy clerk, sheriff or deputy sheriff, constable or deputy constable of any court in this State shall appear or plead as attorney for any other person in any court in this State in any cause whatever; no police commissioner, police officer nor recorder, whether in any incorporated city, town or parish in this State, shall appear or plead as attorney for any other person in any recorder's or criminal court in any cause whatever before said recorder or criminal courts, and no assistant recorder or recorder pro tem. shall appear or plead as attorney for any other person in or before the recorder's court wherein they officiate as recorder pro tem. or assistant recorder, either directly or indirectly, in their own name or that of persons interposed; and any person violating the provisions of this act shall be guilty of a misdemeanor and on conviction thereof shall be imprisoned not less than six months, fined not less than one hundred nor more than five hundred dollars, be removed from office; if an attorney at law have his license canceled and be forever afterward incapable of appearing and practising as an attorney at law in any court of this State.

DECISIONS: Duties and emoluments. 14 An. 330.

AUCTIONS AND AUCTIONEERS.

ACTS OF THE LEGISLATURE.

AN ACT RELATIVE TO AUCTIONEERS.

Manner of qualifying to act as auctioneer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened.* That any citizen of the State may become an auctioneer for the parish in which he is a qualified voter, and be authorized to sell any real or personal property at public auction, upon giving bond and security, according to law, and taking the oath prescribed by law.

SEC. 2. *Be it further enacted, etc.,* That before entering on the discharge of his duties he shall execute his bond according to law, with good and solvent securities, conditioned for the faithful performance of all the duties required by law, toward all persons who may employ him as auctioneer; and for the prompt payment of the taxes or commissions payable to the State, and of all the sums which he shall receive in his official capacity, belonging to other persons.

Bond of auctioneers.

SEC. 3. *Be it further enacted, etc.,* That the bonds given shall be in the following amount: Ten thousand dollars for the city and parish of Orleans, and two thousand dollars for the other parishes of the State.

Amount of bonds.

SEC. 4. *Be it further enacted, etc.,* That every auctioneer shall take out an annual license from the Auditor of Public Accounts authorizing him to do and perform all the business properly belonging to an auctioneer.

License from Auditor.

SEC. 5. *Be it further enacted, etc.,* That no person shall act as an auctioneer who is indebted to the State or any municipal corporation for any tax as an auctioneer, or any license or commission, which he has neglected to pay after final judgment rendered against him therefor.

Certain persons disqualified from acting as auctioneers.

SEC. 6. *Be it further enacted, etc.,* That no other person than an auctioneer, or a civil officer acting under the authority of some court of the United States or of this State, or the legal representative of a succession of minors, or the sheriff, when there is no auctioneer in the parish, shall exercise the trade or business of an auctioneer, by selling or offering for sale at auction, any property, real or personal, within this State, under a penalty of five hundred dollars for each offence, one-half of the penalty to the informer, when recovered.

Who may exercise the business of auctioneer.

SEC. 7. *Be it further enacted, etc.,* That all property, rights or credits, which shall be sold at public auction or at private sale by any auctioneer (except such as are or may be exempted by law), shall be subject to a duty of one-half of one per centum of the value or price at which it shall be sold, to be paid by the person who shall sell the same, to be subject, each and every time it shall be stricken off, to duties at the above rates.

Penalty.

Per centum to be paid on property sold at auction.

SEC. 8. *Be it further enacted, etc.,* That any auctioneer who shall neglect to pay into the State treasury the duties required by law upon auction sales made by him, shall forfeit his license; and in case he refuse to return the same, the Auditor of Public Accounts shall give public notice in the official gazette of the cause for which the license of such auctioneer has been forfeited, and that his license has been withdrawn from him.

Auctioneer in certain cases to forfeit his license.

SEC. 9. *Be it further enacted, etc.,* That every auctioneer in the city of New Orleans shall make out in writing a quarterly account, dated on the last days of March, June, September and December, and shall therein state minutely and particularly;

Quarterly account to be rendered by auctioneers in New Orleans.

First. The sums for which any goods or effects shall have been sold at every auction held by him from the date of his last quarterly account.

Second. The days on which sales were made, and the amount of each day's sale.

Third. The amount of all private sales made by himself or any of his partners in commission, and the days on which such sales were made.

Fourth. The amount of duties chargeable on all sales, public or private, mentioned in the account.

Annual statement to be made by auctioneers in the other parishes. SEC. 10. *Be it further enacted, etc.,* That the auctioneers throughout the State, those in the parish of Orleans excepted, shall settle their accounts with the Treasurer annually.

Accounts to be audited by the Auditor. SEC. 11. *Be it further enacted, etc.,* That every such account, within ten days after the day on which it is dated, shall be exhibited to the Auditor of Public Accounts, who is required to audit in the city of New Orleans the accounts of any auctioneer of that parish, and charge a fee of five dollars therefor; and every auctioneer exhibiting an account shall take the following oath before the Auditor, and auctioneers of the rest of the State shall take it before any Justice of the Peace of the parish in which they are authorized to exercise their functions:

Oath to be taken by auctioneers. "I do solemnly swear (or affirm) that the account exhibited by me, and to which I have subscribed my name, contains a just and true account of all property of every description, sold or struck off at public sale, or sold by me at private sale on commission, whether subject to duty or not, and the day on which the same were respectively sold; that I have examined the entry of all sales mentioned in said account, in the book kept by me for that purpose, and fully believe this account to be in all respects correct."

Oath to be reduced to writing. Duties, when to be paid into treasury. SEC. 12. *Be it further enacted, etc.,* That such oath shall be reduced to writing, be endorsed on the account, and be subscribed by the auctioneer taking it; and every auctioneer of the parish of Orleans, within ten days after he shall have exhibited his account as aforesaid, shall pay for the use of the State, into the treasury thereof, the duties accrued on the sales mentioned in the account.

Affidavit to be made by auctioneer in case he has made no sale. SEC. 13. *Be it further enacted, etc.,* That every auctioneer who, within the period limited for his accounting, shall have made no sales, public or private, of any property, real or personal, liable to auction duties, shall make and subscribe an affidavit of those facts before the Auditor or justice of the peace.

Mileage allowed auctioneers. SEC. 14. *Be it further enacted, etc.,* That in addition to the number of days allowed by the law within which auctioneers are required to render their accounts and make payment of commissions to the Treasurer, they shall be entitled to one dollar for every twenty miles of distance from the seat of government to the parish site of their respective parishes.

SEC. 15. *Be it further enacted, etc.*, That it shall be the duty of every auctioneer who shall offer for sale jewelry, of any kind or description, to announce to the persons present, in a loud voice, whether the same be gold, silver or base metal, before proceeding to sell the same; also, whether the article offered is to be sold by the lot or by the piece, and if by the piece, the number of pieces. Every auctioneer who shall offer for sale any jewelry, without first making such announcement, shall, on conviction thereof, pay a fine of not more than one hundred dollars nor less than fifty dollars for each offence, and said sale shall not be binding on the bidder.

Provisions relative to the sale of jewelry by auctioneers.

SEC. 16. *Be it further enacted, etc.*, That it shall be the duty of every auctioneer, before he shall proceed to sell any cutlery, whether in a box or on a card, to state whether it is to be sold by the piece or in gross, and if by the piece, the number of pieces offered for sale; and every auctioneer who shall neglect or refuse to announce the same shall pay a fine of not more than one hundred dollars nor less than fifty dollars, and the sale shall not be binding on the purchaser.

Sale of cutlery by auctioneers.

SEC. 17. *Be it further enacted, etc.*, That the purchaser at an auction sale of any watch, plate or jewelry shall have the right to return it to the auctioneer at any time within twenty-four hours from the day of the sale, if the watch, plate or jewelry be not of the quality represented to him, and the auctioneer shall return to the purchaser the price of the article; should he refuse to do so he shall forfeit his license and be liable to a fine of five hundred dollars.

Right of purchaser to return certain articles to auctioneer.

SEC. 18. *Be it further enacted, etc.*, That any auctioneer who shall exhibit and offer for sale at auction any article setting forth its value and character, and through the aid of mock bidders induce its purchase by a real bidder and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder, shall, on conviction thereof, be fined and imprisoned at the discretion of the court, and any mock bidder at any auction sale so made shall suffer the like penalty.

Relative to mock bidders.

SEC. 19. *Be it further enacted, etc.*, That it shall not be lawful for any person acting as auctioneer, to purchase, either directly or indirectly, any property at a sale made by him, and any such sale shall be null and void.

Auctioneers prohibited from purchasing at their own sales.

Section 20 is amended as follows:

Be it further enacted, etc., That section 20, of the act relative to auctioneers, approved March 12, 1855, be and the same is hereby amended and re-enacted so as to read as follows: That auctioneers shall make in person, or by agents appointed by them, all sales advertised by them; provided, that no auctioneer shall have the privilege of appointing more than one such deputy or agent, except in the parish of Orleans, where the auctioneers

shall each have the privilege of appointing two such deputies or agents; that every agent of said auctioneers shall be constituted such by power of attorney passed before a notary public of the parish in which said auctioneers exercise their functions; and to said sectional act the surety or sureties of said auctioneer shall be parties, and shall give his or their consent to the appointment of said agent or agents, while said consent shall prevent the said sureties from pleading any exemption from said responsibility on the bond of said auctioneer in consequence of any appointment made under the provisions of the act.

Restrictions as to the places of auction sales.

SEC. 21. *Be it further enacted, etc.,* That no auctioneer in the city of New Orleans shall, at the same time, have more than one house or store for the purpose of holding his auction of dry goods sales, and one for the purpose of holding his grocery sales. He may sell at different exchanges in the city or at private stores, when called upon to do so by the owners, any kind of movable or immovable property. He may sell in the public streets or on the levee all goods sold in original packages as imported, household furniture, and such bulky articles as are usually sold at such places. And every auctioneer, on the first day of November of each year, shall designate, in a writing signed by him, such house or store, and shall also name therein the partner, if any, engaged with him in business, and shall deposit the writing or declaration with the Auditor.

Percentage to be paid auctioneers.

SEC. 22. *Be it further enacted, etc.,* That no auctioneer shall demand or receive a higher compensation for his services than a commission of two and a half per cent. on the amount of any sale, public or private, made by him, and on sales of succession property, of property belonging to minors, or in which they may be interested, and on property surrendered by insolvents, made pursuant to an order or decree of any court of the State, by the sheriff or an auctioneer, upon all sums under twenty-five hundred dollars one per cent, and on all sums over that amount one-half of one per cent. In all sales made by the representatives of a succession or syndic of an insolvency they shall charge no commission.

SEC. 23. *Be it further enacted, etc.,* That all laws or parts of laws conflicting with the provisions of this act, and all laws on the same subject matter, except what is contained in the Civil Code and Code of Practice, be repealed.

Acts of 1855, p. 106.

1855—125
Auditor to require the auctioneers of the city of New Orleans to keep accounts of sales in a book.

It shall also be the duty of the Auditor to require all auctioneers in the city of New Orleans to keep in a book, to be provided at their expense and to be by the said Auditor numbered from the first to the last page, a correct and true account of all sales made by them from day to day, showing the date of each sale, the name of the seller and buyer, and the amount of the

sale; to call as often as he may deem proper on any auctioneer and require the production of any books or accounts kept by him in the ordinary course of his business as such; to examine and compare with the books the account to be rendered by all auctioneers, and certify the same under his hand; to copy into a book to be kept by him the account so examined, and mention the day on which it was presented.

AN ACT

Relative to Auctioneers' Bonds.

The above act is amended as follows:

SEC. 1. *Be it enacted, etc.* That hereafter all bonds required under existing laws to be given by auctioneers shall be for the term of two years from the date they may be approved by the proper officer to approve such bonds; and such bonds shall not offset any sureties thereon, except for acts of the principal during the time for which such bonds were executed.

Auctioneers' bonds for term of two years.

SEC. 2. *Be it further enacted, etc.* That within twenty days after the passage of this act, in the parish of Orleans, and within sixty days after the passage of this act, in the other parishes of this State, all auctioneers' bonds at present in force shall be deemed to expire, and the sureties thereon shall not be liable on any such bonds for any act of the principal in said bonds, after the date of their expiration as provided by this act.

Expurgation of prior bonds.

Act No. 45 of 1869. Approved February 27.

AN ACT

Relative to Judicial and Other Sales made at Public Auction.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That in all auction sales made by sheriffs, auctioneers or others authorized to sell at public auction, which are required by law to be preceded by advertisement, it shall be the duty of the officer making the sale, in his *proces verbal* or act of sale, to state the manner, time and place of making such advertisements; which statement, when so made, shall be proof of the manner, time and place of making the advertisement.

Statement in auction sales of time and place of advertising.

SEC. 2. That when any question shall arise out of any public sale, made by any person authorized to sell at public auction, which sale was required by law to be preceded by advertisement, the sale being proved, it shall be *prima facie* evidence that the legal advertisements were regularly made.

Effect of such statement.

Proof of sale to be *prima facie* evidence of legal advertisement.

SEC. 3. That if any person authorized by law to sell at public auction shall fail to advertise as required by law he shall be personally liable for all damages which may result therefrom.

Responsibility for neglect to advertise.

SEC. 4. That all informalities connected with or growing out of any public sale, made by any person authorized to sell at pub-

Prescription against in-formalities growing out of public sale. lic auction, shall be prescribed against by those claiming under such sale, after the lapse of five years from the time of making it, whether against minors, married women or interdicted persons.

SEC. 5. That all property, real and personal, sold at auction, shall in all cases be struck off to the highest bidder, except such as may be limited, which shall be announced by the auctioneer before the bidding commences; and when the owner, or any person employed by him, shall be such bidder, they shall be subject to the same duties as if struck off to any other person.

Act 45 of 1869. Approved February 27.

Sales of goods at auction in New Orleans. That section one hundred and seventy of the Revised Statutes of the State of Louisiana be amended and re-enacted so as to read: All sales of goods in the city of New Orleans by public auction, whether said sales be of property belonging to the

When and at what time made. person selling or to others, excepting sales of books, paintings and statuary, shall be made in the daytime, between sunrise and sunset; and any person who shall violate this provision shall,

Penalty for violation of this act. upon conviction, pay a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each offence, and the sale shall not be binding on the purchaser.

Act No. 83 of 1880.

Penalty for not producing certificate of mortgage. **SEC. 7.** That it shall not be lawful for any auctioneer, or person acting as such, to sell any real estate or slave, without first producing and reading a certificate of mortgage, showing the mortgages and incumbrances recorded against the property offered, under a penalty of five hundred dollars for each offence, to be recovered by the purchaser.

Judicial sales, by whom made. **SEC. 8.** That all judicial sales throughout the State, made in pursuance of any order, judgment or decree of any court of this State (except that of justices of the peace), shall be made by the sheriff of the parish where such sale is made, except in the cases hereafter provided.

Section 9 amended and re-enacted as follows:

Sales of property of succession, etc., under order of court, by whom made. That section 9 of the "Act relative to judicial and other sales made at public auction," approved March 12, 1855, be and the same is hereby amended and re-enacted so as to read as follows: That all sales of property of succession, of property belonging to minors, or in which minors are interested, of property of interdicted persons and property surrendered, made pursuant to an order or decree of any court of this State, may be made either by the sheriff or by an auctioneer of the parish or city in which such sale is to be made, or by the representatives of successions, by tutors of minors, by curators of interdicted persons, or by syndics of insolvents, as the case may be. And it shall be the duty of the court ordering the sale to direct that the same be made by the sheriff or by such auctioneer as shall be selected by the parties or by representatives of the succession, the tutors of the mi-

nors, the curators of interdicted persons, and the syndic of the insolvent, as the case may be.

Acts of 1865, No. 13, p. 20.

SEC. 10. That all *proces verbal* of sales of succession property, signed by the sheriff or other person making the same, by the purchaser and two witnesses, are declared to be authentic acts. Proces verbal declared authentic acts.

SEC. 11. That the sheriff, or other person making sales of succession property on credit terms, shall be authorized to receive for the price the notes of the purchasers, and identify them by description in the adjudication. The securities on the notes shall, in all cases, be approved by the vendor, or the party representing him. Notes and security, by whom taken.

SEC. 12. That on the registering of such *proces verbal* of sales in the office of the Recorder or Register of Conveyances of the parish where the property so adjudicated may be situated, the Recorder or Register shall be authorized to identify with the sales the notes or bonds received, as above stated, by his paraph. in order that he may raise the mortgage when they shall have been paid. Duty of Recorder or Register of Conveyances.

SEC. 13. That in all cases where judicial sales of property are required to be made in the parishes of St. Bernard, Plaquemines or Jefferson, it shall be lawful to cry and adjudicate property in the city of New Orleans, if thereto requested by the party at whose instance the order of the sale was issued; and in case of sales under writs, if thereto requested by all parties interested. Certain sales may be made in New Orleans.

SEC. 14. That all laws or parts of laws conflicting with the provisions of this act, and all laws on the subject matter, except what is contained in the Civil Code and Code of Practice, be repealed. Certain laws repealed.

Acts of 1855, p. 76.

AN ACT

Relative to Auction Dues on Stocks, Bonds and Insurance Scrip.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened* That the State duty or tax upon all sales by public auction, of stocks of banks or incorporated companies, bonds of the State, bonds of the city of New Orleans, or bonds of incorporated companies, or insurance scrip of any kind, shall be one quarter of one per cent. State tax upon all sales by public auction of banks stocks, etc.

SEC. 2. *Be it further enacted, etc.,* That this act shall take effect from and after its passage. When this act takes effect.

Acts of 1859, No. 209, p. 166.

See "Master and Wardens," for sale of damaged goods.

DECISIONS.

Assistant may perform a mere ministerial duty, 6 An. 386.

Subject to taxation. 13 An. 56.

Charges: 28 An. 717; 31 An. 381.

Act of 1805, 36 An. 605.

AWNINGS, SHEDS AND SIGNS.

SEE BUILDINGS, OFFENCES, AND WHARVES.

What unlaw-
ful.
Ord. No. 30,
O. S., May 17,
1852.

ART. 208. (1) It shall not be lawful for the tenants or occupants of stores or dwellings to suspend or hang over the sidewalks or footways any awnings, sheds or hanging signs, unless the same be at least eight feet above the level of said sidewalks or footways, under a penalty of ten dollars *per diem* for each and every day said awnings, sheds or signs remain, after being duly notified for the removal of the same.

Duty of
police.
Ib.

ART. 209. (2) It is made the duty of all public officers to report to the Commissioner of Streets, or any of his deputies, any infringement of the foregoing section.

Duty of Street
Commissioner.
Ib.

ART. 210. (3) It is hereby made the special duty of the Commissioner of Streets, or his deputies, to prosecute to conviction any violations of this ordinance, after due notice has been served as aforesaid.

Awnings,
masking lights,
etc.
Ord. No. 3065,
O. S., Nov. 7,
1856.

ART. 211. (1) That the Street Commissioner be and he is hereby directed to notify all such persons as may have erected awnings or sheds covering the banquettes in the city, and which in anywise mask any of the street lamps, or prevent said lamps from giving a full light on the banquettes and streets, to alter and change the same so as not to obstruct the light from said lamps; and that said awnings or sheds be rendered fire-proof by covering the same with tin, or any substance non-ignitable, in the event of fires adjacent; and that in default of compliance on the part of said person or persons, within ten days from said notification, the person or persons so failing to alter or change said awnings or sheds shall pay a fine of five dollars for each and every day they shall neglect to make such alteration or change, recoverable before any court of competent jurisdiction, for the use of the city.

To be covered
with tin, etc.

Erected under
Street Com-
missioner.
Ib.

ART. 212. (2) No person or persons shall hereafter erect any awning or shed within the limits of the city, except under the direction of the Street Commissioner.

All ordinances or parts of ordinances conflicting with the foregoing are hereby repealed.

ART. 213. That awnings alone within the fire limits of the city shall be required to be covered with non-ignitable substances, to protect them from fires adjacent.

Covering for awnings.
Ord. No. 5188,
O. S., Decem-
ber, 1856.

ART. 214. That after the date at which this ordinance shall have been adopted and approved, it shall be unlawful for any person, firm, owner, occupant, or agent of owner of any store or dwelling, to erect, suspend, place, keep, or cause to be suspended, any sign-board, sign-plate or advertising board, of wood, metal or other material, so as the same may in any way hang, suspend or swing over any sidewalk or street within the city limits.

Swinging signs.
Ord. No. 748,
C. S., June 10,
1884.

ART. 215. That on and after the date of approval of this ordinance it shall be unlawful to keep or maintain any swinging or hanging sign, or other sign, sign-board or sign-plate, extending over any portion of any sidewalk or street, and every owner, agent, lessee or occupant of any house, dwelling, establishment, or store, where or in front of which such sign exists, shall remove or cause the same to be removed immediately on the approval of this ordinance.

Removal of swinging signs.
Ib.

ART. 216. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed, provided that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4974,
Dec. 16, 1890.

ART. 217. (2) It shall be the duty of the Street Commissioner, whenever any sign or awning now in existence, in his opinion, does in any manner obstruct the view of any street or streets, to give not more than five days' notice to the proprietor of the same to remove or diminish the size of the same; and in default of not complying with the provisions of this ordinance the owner or owners shall be liable to a fine of not less than

Duty of Street Commissioner.
Ord. No. 4592,
May 20, 1859.

ten dollars per day that the same shall be in contravention, recoverable for the use of the city; it being understood that no sign projecting over the sidewalk shall be within eight feet of the banquette.

Awnings and
sheds on Canal
street,
Ord. No. 4906,
O. S., Jan. 25,
1860.

ART. 218. (1) From and after the passage of this ordinance it shall not be lawful for the tenants, occupants or owners of stores and dwellings on Canal street to erect or construct or hang over the sidewalks or footways any awnings, sheds or verandas, unless the same be made over and cover the whole width of the sidewalks or footways, and in conformity with the plans and drawings to be furnished by the City Surveyor, under a penalty of ten dollars per day for each and every day thereafter said awnings, sheds or verandas remain, after being duly notified for the removal of same.

Penalty.

Duty of Street
Commissioner.
Ib.

ART. 219. (2) On the completion of the square-block paving on each and every square of said Canal street, it shall be the duty of the Street Commissioner to notify all persons who have constructed on said street awnings, sheds and verandas which do not conform to Art. 1 of this ordinance, to have the same removed and rebuilt in conformity with Art. 1 of this ordinance, under a penalty of ten dollars per day for each and every day thereafter said awnings, sheds or verandas remain, after being duly notified for their removal.

BAKERY—BREAD.

Duty of
bakers,
Ord. No. 1666,
N. S., Decem-
ber, 1869.

ART. 220. All bakers or other persons now engaged in, or doing and carrying on business as bakers, or engaged in making or baking bread for others, shall immediately, after the promulgation of this ordinance, report themselves at the Mayor's office, and cause his, her or their name or names and place of business to be recorded in a book to be kept for that purpose in the Mayor's office, and shall in all respects conform to the provisions of this ordinance; and hereafter, every person intending to undertake the bakery business, or any such person or persons who may engage in

the same, either in person or by employing any other person to carry on the said trade or business under his or her directions, or for his or her profit, within the city of New Orleans, must, previously to his or her commencing in that business, make a declaration of his or her intention at the Mayor's office, and have his or her name entered in a book kept for that purpose; and in default shall be liable to a fine of twenty-five dollars, recoverable before any of the Recorders of this city, or other court of competent jurisdiction, for the benefit of the city.

ART. 221. That on and after the passage of this ordinance it shall not be lawful for any person or persons to erect or conduct a bread or cracker bakery unless the party asking for said privilege shall have first petitioned the City Council; and provided, further, that the said petition shall contain the written consent of the majority of the property owners within a radius of 300 feet where said bakery is to be located; provided, further, that any person or persons violating the provisions of this ordinance shall be guilty of a misdemeanor, and shall be punishable by a fine not to exceed twenty-five dollars, or imprisonment not to exceed thirty days, for each and every violation of this ordinance.

Consent of
property hold-
ers.
Ord. No. 9407,
C. S., July 3,
1894.

Penalty.

ART. 222. (2) All bakers or other persons using or carrying on the trade or business of a baker shall make, or cause to be made, all their loaf bread of good and wholesome flour, no brand to be used less than treble extra, and they shall give it the weight which may be fixed by virtue of the present ordinance, or any other ordinance hereafter passed relative thereto by the Common Council; and further, all bakers and persons using or carrying on the trade or business of a baker shall only be allowed to sell, or expose for sale, loaves of bread of the value of five cents, ten cents and twenty cents; provided, all loaves of bread shall have the weight fixed by said tariff.

Weight of
loaves.
Ord. No. 1666,
N. S., Decem-
ber, 1869.

ART. 223. (3) Bakers, tavern-keepers and other persons selling bread, or offering the same for sale, are required to have the weights and scales only regulated

Weights and
scales.
Ib.

by the standards; and the inspectors of weights and measures are authorized to proceed to try them agreeably to the law respecting weights and measures.

Duty of City
Officers.

ART. 224. (4) It shall be the duty of the Commissaries of the Markets, and the Deputy Street Commissioners, at least once in each week, to inspect and examine, within the several wards or districts of this city and the public markets, all loaf bread baked by, or for or on account of any baker or bakers, in order to ascertain whether the same is made of good and wholesome flour, and to ascertain whether the weight thereof conforms to the established assize; and to that end said Commissaries and Deputy Street Commissioners are hereby authorized and required, at any time between sunrise and sunset, to enter any bakery, bakehouse or shop, storehouse, or any other building or enclosure wherein loaf bread is or may be baked, stored, deposited or kept, as also any tavern, shop, store, or any other place wherein loaf bread is deposited, stored, or kept for sale; provided, the authority of the officer thus about inspecting be first made known to the proprietor of the establishment, or his agent or representative. And it shall further be the duty of the Commissaries of the Markets and the Deputy Street Commissioners, for the purposes of said inspections through the public streets or highways, to stop all persons carrying bread for sale in baskets, carts, wagons or otherwise, upon said streets or highways, and examine and weigh such bread, and upon said examination should they find such bread, on an average of ten loaves to the hundred, to be unwholesome or wanting in weight, the officer making such examination under this ordinance shall seize the bread, and immediately notify the proprietor of the bakery, bakeshop, etc., to appear before one of the Records of this city, who, upon due proof made, shall pronounce the seizure and confiscation of such bread for the use of the orphan asylums of this city, and shall further condemn the offender or offenders to pay a fine of not less than twenty-five dollars nor more than fifty dollars; and in default of payment thereof such offender or offenders shall be

imprisoned not exceeding thirty days. Any Commissioner or Deputy Street Commissioner neglecting or refusing to enforce the foregoing shall be dismissed from office.

ART. 225. (5) The Mayor shall publish in the official journal of the city, every Saturday, an assize for bread for the ensuing week. To this effect he shall estimate a barrel of flour to produce three thousand seven hundred and thirty-two ounces of bread (American weight), and in order to ascertain the weight of the five-cent loaf the number of ounces shall be divided by a number equal to the number of five cents a barrel of flour may be worth in the market at the time of fixing the assize, and adding the eight dollars or one hundred and sixty-five cents, allowed to a baker by the law, the quotient shall be the number of ounces a five-cent loaf shall weigh.

Publication
by Mayor.

ART. 226. (6) Wherever, according to the preceding operation, the fractional parts are less than half an ounce, they shall be taken off the loaf; and when half an ounce or more, an ounce shall be added to it. The whole, moreover, in conformity to the tariff subjoined to the foregoing ordinance:

TARIFF.

Price of Flour per bbl.	20c. Loaves.	10c. Loaves.	5c. Loaves.	Weight and price of loaves.
\$4 00	62 ounces.	31 ounces.	16 ounces.	
5 00	57 "	29 "	14 "	
6 00	53 "	27 "	13 "	
7 00	50 "	25 "	12 "	
8 00	47 "	23 "	12 "	
9 00	44 "	22 "	11 "	
10 00	41 "	21 "	10 "	
11 00	39 "	20 "	10 "	
12 00	37 "	19 "	9 "	
13 00	35 "	18 "	9 "	
14 00	34 "	17 "	8 "	
15 00	32 "	16 "	8 "	
16 00	31 "	16 "	8 "	

Deleterious
mixtures.

ART. 227. (7) Any baker or other person carrying on the business of baker, or engaged in making and baking bread, as aforesaid, who shall mix or use, or permit to be mixed or used, in the manufacture of bread, any alum, vitriol, or any other unwholesome deleterious substance, shall, on conviction before any of the Recorders of this city, or any other competent court, be fined in a sum not exceeding one hundred dollars; and in default of payment of such fine shall be imprisoned not exceeding thirty days.

Penalty.

Bread to
order.

ART. 228. (8) Bread to order shall not come within the provisions of this ordinance.

ART. 229. That from and after the passage of this ordinance each and every person or persons dealing in bakers' bread shall post, in a conspicuous place, at his or her place of business, the weights and prices of the loaves offered for sale; and any violation of this ordinance shall be punishable by a fine of fifty dollars for each and every offence, recoverable before any court of competent jurisdiction.

Repealing
clause.

ART. 230. (2) All ordinances or parts of ordinances contrary to or conflicting with the above be and the same are hereby repealed.

Unlawful to
sink wells.
Ord. No. 4267,
C. S., Feb. 9,
1890.

ART. 231. That it is hereby made unlawful to excavate or sink a well on any premises used as a bakery or bake-shop within the city limits.

Duty of own-
ers.

ART. 232. That upon any such premises where a well now exists it shall be the duty of the owner of the property to cause same to be immediately filled up to the surface of the ground; provided, that nothing herein shall be construed as prohibiting the boring of artesian wells.

Ib.

ART. 233. That any violation of the provisions of this resolution shall subject the offender to a fine of not more than \$25, or, in default thereof, to imprisonment in the parish prison not exceeding thirty days, to be imposed by the Recorder of the district in which the offence shall be committed, and every day during which there shall be a failure to comply with the requirements of this resolution shall be considered and taken to be a separate offence, in the party so failing, and punished accordingly.

Penalty.

Ib.

BALCONIES—SEE BUILDINGS.

BALLS—SEE AMUSEMENTS.

BALTIMORE & OHIO TELEGRAPH COMPANY—
SEE TELEGRAPH COMPANIES.

BASINS—SEE CANALS.

BATTURE—SEE LANDS AND LEVEES.

BARROOMS AND RESTAURANTS.

AS TO FEMALES ENTERING SALOONS—See *Lewd Women*.

ART. 234. That hereafter it shall not be lawful for any one to set up or establish any drinking house, coffee-house, beer house, or place where liquors of any kind are sold at retail by the glass to be there consumed, without having first petitioned the Mayor and City Council, said petition to be published three times in ten days in such form as the Committee on Public Order may designate.

Petition.
Ord. No. 7012,
C. S.
Amended by
Ord. No. 7190,
C. S., Feb. 9,
1893.

ART. 235. That after the expiration of the said publication, there being no protest uttered against the petition, same shall be granted; provided, however, that if any person or persons protesting against the opening of a saloon or drinking house, etc., they shall be heard before the Committee on Public Order of the City Council, and if there be any valid objections in the judgment of the said committee said petition will not be granted.

Protests. Ib.

ART. 236. That any violation of the foregoing ordinance will be punished by a fine of not more than twenty-five dollars or not more than thirty days' imprisonment.

Penalty. Ib.

ART. 237. That all ordinances or parts of ordinances conflicting with the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause. Ib.

License.
Dec. 1856.
O. S. 3134.

ART. 238. (1) Every keeper of a grogshop, barroom, tavern, cabaret, coffee-house, beerhouse, pleasure garden, saloon, theatre, ballroom, clubroom or any other establishment whatever wherein spirituous or malt liquors are sold by the glass to be drunk on the premises, must obtain a license for that purpose, and pay the tax fixed by the ordinances establishing uniform rates of taxation, under the pains and penalties pronounced by said ordinance.

Sign.

ART. 239. (3) Every person who shall have obtained
Ib. a license to sell spirituous or malt liquors by retail shall place at his door, or in some conspicuous place on his house, his sign, on which shall be painted his name and the number of his license, under a penalty of twenty-five dollars, and five dollars a day for every day he shall refuse or neglect to comply with this provision, after notice from the Chief of the Police.

Quantities.

ART. 240. (5) All persons who have obtained license
Ib. to sell spirituous or malt liquors by the quart or bottle are prohibited from selling the same in smaller quantities.

* Transfer
licenses.

ART. 241. (6) Any person who, after having obtained
Ib. one or more licenses for the purpose named in this ordinance, shall, without the consent of the Mayor, make over and sell the same to others, shall, on conviction of the same, be fined fifty dollars for each license made over or sold, as shall each person who received or bought the same.

U. S. soldiers.

ART. 242. (7) All coffee-house keepers and all other
Ib. persons are prohibited from selling spirituous or fermented liquors to soldiers in the service of the United States, unless they bear a written permission from an officer of the army, under a penalty for every such offence of a fine not less than fifteen dollars; one-half to the city and the other half to the informer.

Music in bar-
rooms.

ART. 243. (11) Except in cases where permission is
Ib. granted by the Mayor, it shall be the duty of the Chief of Police to arrest all persons who shall be found playing or causing to be played, music in any barroom, coffee-house, or other place where liquors are sold, who,

upon conviction, shall be liable to a fine of not more than fifty dollars for each and every offence; and the coffee-house keeper shall be liable to the same penalty.

ART. 244. (12) The Mayor and also the Chief of Police shall have power, in case of riots, fights and disturbances of any kind in the neighborhood of barrooms, coffee or drinking houses, to notify the keepers or proprietors to close said houses; and in case of neglect or refusal the keepers of said houses shall be liable to a fine of one hundred dollars for each offence.

Disorderly
houses.
O. S. 3134.
Dec. 1850.

ART. 245. (1) That from and after the promulgation of this act if any person shall sell or give away intoxicating drink or drinks on election day at or within one mile of any precinct where elections may be held, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the court, for each and every offence.

Penalty for
selling or giv-
ing away on
election days,
intoxicating
drink.
Act 26, 1880.

ART. 246. (1) That all barrooms or other places where spirituous or malt liquors are sold by the glass shall close at 12 o'clock midnight and remain closed until 3 o'clock A. M. During these hours all business shall be suspended and no intoxicating drink of any kind whatever shall be sold or given away, the Mayor being vested with discretionary power to allow proprietors of saloons to keep open after hours. The proprietor of any barroom, coffee-house, beer saloon or other place where spirituous or malt liquors are sold by the glass, violating the provisions of this ordinance, shall, upon conviction, be subject to a fine of not more than (\$25) twenty-five dollars, or imprisonment for not more than thirty days in the parish prison.

Hours for
closing.
A. S. 7067,
May, 1881.

ART. 247. (1) That there shall not be permitted in any coffee-house or other place where spirituous or malt liquors are sold at retail any vocal or instrumental music, or any theatrical performance, except the keeper thereof first obtains a special annual license for such purpose, and pay a tax as follows: For instrumental music, \$100; for vocal or vocal and instrumental music,

Music saloons.
Ord. No. 416,
A. S., Aug. 16.

Regulation of
licenses. \$200; and for a stage on which singing, dancing or

1b. theatricals are performed, \$300; provided, that the Administrator of Finance shall be authorized to issue for the remainder of the year 1870 a half-yearly license at the above rate.

Hours of
closing. ART. 248. (2) That all music and theatricals at the

1b. places of entertainment described in the foregoing section shall cease at or before 12 o'clock at night, and the continuance of such entertainment after the hour afore-said shall work a forfeiture of the license, and the place shall be closed by the police.

Permission to
open. ART. 249. (3) That after the 1st of January, 1871,

1b. none of the coffee-houses described in the previous section shall be permitted to open except on the written consent of the owners or lessees of one-half the frontage on both sides of the street of the square where the coffee-house or other such place is located; provided, that the frontage of any building used for a similar purpose shall be deducted before a division is made.

ART. 250. (4) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

LIQUORS TO MINORS.

Minors under
18 years of age.
Ord. No. 1469,
C. S.
Oct. 6, 1885. ART. 251. (1) That from and after the passage of this

resolution, any grocery, cabaret, saloon, exchange, bar-room, music hall or other establishment where intoxicating liquors are sold, shall not be permitted to sell to minors under eighteen years of age liquors to be drunk on the premises.

Penalty.

ART. 252. (2) Any proprietor or proprietors of any of the places herein named so offending shall be deemed guilty of a misdemeanor, and shall be liable to a fine not exceeding twenty-five dollars, or imprisonment for a period not less than thirty days in the parish prison, or both, at the discretion of the Recorder having jurisdiction of the case.

Duty of police.
1b. ART. 253. (3) It shall be the duty of the police to arrest

and imprison any minor attempting to evade the provisions of this resolution, and said minor shall, upon con-

viction, be subject to a fine of not more than ten dollars for each and every offence, or in lieu thereof to imprisonment not over thirty days in the Boys' House of Refuge, at the option of the Recorder in whose district the arrest is made. Any officer who shall fail to arrest such offender, or neglect the enforcement of the provisions thereof, shall be suspended, or expelled, from the force, as the board may direct.

ART. 254. (4) All ordinances or resolutions in conflict herewith are hereby repealed.

Failure to
arrest. Ib.

Repealing
clause. Ib.

RESTAURANTS.

ART. 255. (1) That each and every keeper or owner of a restaurant, eating-house or other place where wines and dishes of food are sold, shall provide their customers in said restaurant or eating-house with a plainly written or printed list of the wines and dishes of food they have for sale, and the price they charge for each bottle of wine and dish of food.

To provide
price lists.
A. S., No.
7165, June, 1881.

ART. 256. (2) That it shall not be lawful for any keeper or owner, or any employee of any restaurant or eating-house, to charge more than the rates stated in his price list for the wines and dishes of food furnished or sold.

Charges. Ib.

ART. 257. (3) That any keeper or owner or employee of any restaurant or eating-house found violating the provisions of this ordinance shall be subjected to a fine not exceeding twenty-five dollars, recoverable before any Recorder, and in default of payment be imprisoned not exceeding thirty days.

Penalty. Ib.

ART. 258. (4) That all keepers or owners of restaurants and eating-houses to whom this ordinance may extend are required, under a penalty of twenty-five dollars, to have a copy of this ordinance conspicuously posted in their restaurant or eating-house, and in default of the payment to be imprisoned not exceeding thirty days.

Posting of
ordinances. Ib.

ART. 259. That the Board of Health of the State of Louisiana be and is hereby authorized to inspect,

Inspection of materials used for preparation and sale of liquids and food.

Ord. No. 4736, C. S., Sept. 20, 1890.

through its proper officers, all public places, licensed under State laws or city ordinances, in which food or liquids are prepared or sold for human consumption, and to inspect and examine the utensils and apparatus used therein, and in case that any practices are ascertained, or utensils or materials are used therein deleterious to human health, to order the discontinuance thereof.

Penalty.

Ib.

ART. 260. That any person or persons who shall fail to comply with the order of discontinuance, after due notification thereof, shall be fined not exceeding twenty-five dollars or imprisonment not more than thirty days, after due conviction before the Recorder of the district in which the offence is committed.

ACTS OF THE LEGISLATURE.

AN ACT—To amend and re-enact section 910 of the Revised Statutes of 1870.

[No. 83 of 1886.]

Penalty for keeping a grog shop or tippling house, or retailing spirituous or intoxicating liquors without a license from the police jury, town or city authorities—discretion of jury in such cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That section 910 of the Revised Statutes of 1870 be amended and re-enacted so as to read as follows: Section 910. Whoever shall keep a grog or tippling shop, or retail spirituous or intoxicating liquors, without previously obtaining a license from the police jury, town or city authorities, on conviction, shall be fined not less than one hundred nor more than five hundred dollars, and in default of payment shall be imprisoned not less than thirty days nor more than four months; where it is contended, in prosecutions for the violation of this section, that said spirituous or intoxicating liquors were prescribed and sold as a medicine, it shall be for the jury to decide whether such prescription and sale were made in good faith and in case of sickness or as a mere subterfuge, and with intent to evade the provisions of this section.

ACT No. 43 OF 1894.

Making it a misdemeanor for any owner, proprietor, keeper or lessee, or agent, manager or conductor of any concert hall, or saloon where spirituous liquors, wines or malt are sold at retail, to allow any female to dispense or distribute among the audience such liquors, wines or malt, and providing a penalty therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That no owner, proprietor, keeper, lessee or agent, manager or conductor of any concert hall or saloon where spiritu-

ous liquors, wines or malt are sold at retail shall employ or suffer to be employed, any female to distribute or appear among the audience or frequenters of such concert hall or saloon, for the purpose of distributing or selling or taking orders to be filled, any such spirituous liquors, wines or malt, and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction, shall be imprisoned in the parish jail not less than thirty days nor more than three months, and a fine of not less than fifty nor more than one hundred dollars for each and every offence.

Prohibiting the employment of women in houses where retail liquor is sold.

Penalty.

SEC. 2. *Be it further enacted, etc.,* That all laws or parts of laws contrary to and in conflict with this act be and the same are hereby repealed.

ACT No. 55 OF 1894.

An act to prohibit the keepers of barrooms, drinking saloons, grogeries and coffee-houses or any other place where intoxicating or spirituous liquors are sold by the glass, bottle, gallon or in less quantities, from selling or giving intoxicating or spirituous liquors to minors, and to prohibit all persons from purchasing or receiving, by gift or otherwise, any intoxicating or spirituous liquors for the special use of a minor; and to prescribe penalties for the violation of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That no keeper of a barroom, drinking saloon, grogery, coffee-house or other place where intoxicating or spirituous liquors are sold by the glass, bottle, gallon or in less quantities shall sell or give to any person under the age of twenty-one (21) years any intoxicating or spirituous liquors, unless the person purchasing or receiving such intoxicating or spirituous liquors has been fully emancipated under the laws of Louisiana by the emancipation of eighteen (18) years, or unless the person purchasing or receiving such intoxicating or spirituous liquor shall present to the person selling or giving such intoxicating or spirituous liquor an order signed by the father, mother or tutor of such minor, directing the sale or gift to be made.

Prohibiting the sale of spirituous liquors to minors.

SEC. 2. *Be it further enacted,* That no person shall sell, buy, purchase or receive, by gift or otherwise, any intoxicating or spirituous liquor for the special use of any person under the age of twenty-one (21) years unless he be fully emancipated under the laws of Louisiana by the emancipation of eighteen (18) years, or unless such minor present an order signed by his father, mother or tutor directing the sale or gift to be made.

Minor must present an order from father, mother or tutor in order to buy liquor.

SEC. 3. *Be it further enacted,* That any person keeping a barroom, grogery, drinking saloon, coffee-house or other place where intoxicating or spirituous liquors are sold by the glass, bottle, gallon or in less quantities, who shall knowingly sell or give away intoxicating or spirituous liquors to any person under the age of twenty-one (21) years contrary to the provisions of

Violations of this act a misdemeanor.

Penalty.

this act, and any person who shall buy, purchase or receive by gift or otherwise any intoxicating or spirituous liquor for the special use of any person under the age of twenty-one (21) years, contrary to the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five (\$25) dollars nor more than fifty (\$50) dollars for each separate offence.

PRIVILEGES.

- Ord. 7745. Athen's Lumber Company, Limited, Louisiana avenue and Liberty street, January 27, 1893.
- Ord. 8657. Arneman, A., Ninth and Washington streets, January 23, 1894.
- Ord. 9464. American Grocers, Second and Dublin streets, July 31, 1894.
- Ord. 10,542. Alst, Aug., Dumaine and North Liberty streets, April 2, 1895.
- Ord. 11,359. Artigues, F., 741 Common street, September 24, 1895.
- Ord. 11481. Abadie, B., St. Joseph and Tchoupitoulas streets, October, 22, 1895.
- Ord. 11,482. Ader, Pierre, Tremé and St. Ann streets, October 22, 1895.
- Ord. 11,167. Amtero, L., Bourbon and Rampart streets, August 28, 1895.
- Ord. 7135. Brigston, C., Tchoupitoulas and Aline streets, January 24, 1893.
- Ord. 7153. Braun, Charles, St. Claude and Frenchmen streets, January 31, 1893.
- Ord. 7819. Brenokle, W., Philip and Clara streets, July 25, 1893.
- Ord. 7960. Brure, Thomas, 681 Tchoupitoulas street, August 22, 1893.
- Ord. 7961. Brown, John J., Third and Water streets, August 22, 1893.
- Ord. 8108. Balovich, John, Madison and Chartres streets, October 3, 1893.
- Ord. 8203. Brennan, P. J., Napoleon avenue and Canal streets, October 24, 1893.
- Ord. 8451. Brandner, Leopold, Rocheblave, between Customhouse and Bienville streets, December 12, 1893.
- Ord. 8958. Basile, Frank, Ninth, bet. Magazine and Constance streets, April 3, 1894.
- Ord. 9221. Brugier, George, Robertson and Columbus streets, May 22, 1894.
- Ord. 9385. Burk, Val., 237½ Julia street, July 3, 1894.
- Ord. 9591. Bergerot, John, Ursulines and North Liberty streets, August 28, 1894.
- Ord. 9658. Baltz, John, Carroll and Poydras streets, September 4, 1894.
- Ord. 9877. Bauman, Emile, Customhouse and Chartres streets, October 23, 1894.
- Ord. 9898. Becknell, Charles, 422 Baronne street, October 30, 1894.
- Ord. 10,343. Bradford, H. A., 53 St. Charles street, February 12, 1895.

- Ord. 10.685. Bierhorst, George H., Canal and Burgundy streets,
May 7, 1895.
- Ord. 10.838. Breffel, Joseph, Melpomene and Freret streets,
June 4, 1895.
- Ord. 10.839. Bromer, Andrew, 219 South Rampart street, Janu-
ary 4, 1895.
- Ord. 10.898. Burgess, B. W., 517 to 523 Chartres street, June
18, 1895.
- Ord. 10.929. Bonmarito, Phil., Terpsichore and Lamarque,
Fifth District, June 25, 1895.
- Ord. 11.265. Blum, Paul, 734 Common street, September 3, 1895.
- Ord. 11.360. Bly, Charles, Palmyra and Claiborne streets, Sep-
tember 24, 1895.
- Ord. 11.361. Becker, Mrs. E., Dorgenois and Cleveland avenue,
September 24, 1895.
- Ord. 7226. Commander, Emile, Spain and Urquhart streets,
February 15, 1893.
- Ord. 7392. Collet, Pierre, St. Claude and Frenchmen streets,
April 4, 1893.
- Ord. 7444. Casey, John, White and Terpsichore streets, April
18, 1893.
- Ord. 7704. Cabibi, John, Eliza and Bouny streets, Fifth Dis-
trict, June 6, 1893.
- Ord. 7839. Caldevaro, B., Jackson and Chippewa streets, July
25, 1893.
- Ord. 7932. Clifton, Charles, St. Claude and Marais streets, Au-
gust 22, 1893.
- Ord. 8176. Comeaux, P. A., removed from Patterson and El-
mira to Elmira and Alix streets, Fifth District,
October 17, 1893.
- Ord. 8411. Cruso, Mrs. J. and Adolph, 250 Common street, De-
cember, 5, 1893.
- Ord. 8454. Cetti, A., removed from Poydras and Galvez to
Calliope and Willow streets, December 12, 1893.
- Ord. 8475. Cayeteza, Dominick, Napoleon avenue and Tehoup-
itoulas street, December 19, 1893.
- Ord. 8537. Curren, Denis, First and Chippewa streets, Janu-
ary 1, 1894.
- Ord. 8593. Chord, Victor J., St. Ann and Royal streets, Janu-
ary 16, 1894.
- Ord. 8600. Carey, Mrs. J. & Co., Louisa and Rampart streets,
January 16, 1894.
- Ord. 8721. Crespio, Agap & Co., Chestnut and Market streets,
Fifth District, February 14, 1894.
- Ord. 8953. Conway, C., Dufossat and St. Denis streets, April 3,
1894.
- Ord. 9014. Carroll, J., Bienville and Napoleon avenue, April
17, 1894.
- Ord. 9015. Commander, C. J., Thalia and White streets, April
17, 1894.
- Ord. 9215. Cook, Mrs. H., 203 Howard street, June 5, 1894.
- Ord. 9337. Cornelius, E. C., Bienville and Tremé streets, June
26, 1894.
- Ord. 9682. Casbel, John W., Julia and Claiborne streets, Sep-
tember 11, 1894.
- Ord. 9898. Crescent City Jockey Club, Fair Grounds, October
30, 1894.
- Ord. 10.344. Collins, James J., Terpsichore and Baronne streets,
February 12, 1895.

- Ord. 10,615. Colliro, Toni, Ursulines and Miro streets, April 16 1895.
- Ord. 10,622. Courha, Joseph, St. Ann and Villere streets, April 23, 1895.
- Ord. 10,760. Clerc, Fred. V., Constance and Constantinople streets, May 21, 1895.
- Ord. 10,789. Chapman, J. E., Burdette and Macarthy streets, Seventh District, May 28, 1895.
- Ord. 11,142. Carota, John, Melpomene and Magazine streets, August 6, 1895.
- Ord. 11,388. Connor, John, 1757 Tchoupitoulas street, October 6, 1895.
- Ord. 11,517. Carr, Thomas, Jackson and Franklin streets, October 29, 1895.
- Ord. 11,722. Curcia, Joseph, removed from St. Ann and Villere streets to opposite corner, December 24, 1895.
- Ord. 7201. Dazet, E., Customhouse and Rocheblave streets, February 7, 1893.
- Ord. 7224. Downs, James, Carrollton avenue and New Basin streets, February 15, 1893.
- Ord. 7338. Desnicker & Co., Vallette and Alix streets, Fifth District, March 21, 1893.
- Ord. 7368. DeLanarre, E. T., Seguin and Villere streets, Fifth District, March 28, 1893.
- Ord. 8107. Dahoney, W. J., removed from Magnolia and De-lord to Locust and Calliope streets, October 3, 1893.
- Ord. 8448. Doty, James, First and Liberty streets, December 12, 1893.
- Ord. 8449. Dilda, Gabriel, 181 Dauphine street, December 12, 1893.
- Ord. 8479. Dessauer, David, Antoine and Debigny streets, December 19, 1893.
- Ord. 8573. Denburk, James, Chartres and Peace streets, January 9, 1894.
- Ord. 8711. Danater, Darius, Johnson and New St. Bernard, February 7, 1894.
- Ord. 8993. Durker, Mrs. William, Congress and Rampart streets, April 10, 1894.
- Ord. 9316. Donnelly, Gravier and Galvez streets, June 5, 1894.
- Ord. 9383. Dunham, E. J., Burgundy and Bienville streets, July 3, 1894.
- Ord. 9546. Darrihere, J., Frenchmen and Rampart streets, August 7, 1894.
- Ord. 9803. Dillon, Jeff., Clio and Claiborne streets, October 9, 1894.
- Ord. 10,174. Destefano, Customhouse and Rocheblave streets, January 2, 1895.
- Ord. 10,892. Dazet, Mrs., 415 Dauphine street, June 18, 1895.
- Ord. 11,071. Donohue, James, 1132 Annunciation street, July 30, 1895.
- Ord. 11,233. Draube, Philip, Jena and Magazine streets, September 3, 1895.
- Ord. 11,286. Duval, Charles, 633 Decatur street, September 10, 1895.
- Ord. 11,485. Downs, T., Tulane and Carrollton avenues, October 22, 1895.
- Ord. 7155. Eiswirth, J. L., Fifth and Dublin streets, January 31, 1893.
- Ord. 7203. Essex, Rudolph, 334 Decatur street, February 7, 1893.

- Ord. 7793. Eschbach, J., Vallette and Alix streets, Fifth District, July 5, 1893.
- Ord. 7866. Engebbraght, C., Cadiz and Constance streets, August 1, 1893.
- Ord. 8112. Edwards, S., Third and Dryades, October 6, 1895.
- Ord. 8177. Essex, Rudolph, removed from Barracks and Decatur to 20 Barracks street, October 17, 1893.
- Ord. 8447. Everett, Mrs. Chris., St. Claude and Enghien streets, December 12, 1893.
- Ord. 8597. Essex, Rudolph, removed from 324 Decatur street to 83 Decatur street, January 16, 1894.
- Ord. 8796. Egan & Ryan, 127 Calliope street, March 6, 1894.
- Ord. 9593. Evans, W. H., Customhouse and Broad streets, August 28, 1894.
- Ord. 11,121. Elliott, George, Maple and Dublin streets, Seventh District, August 6, 1895.
- Ord. 11,613. Evans, Mrs. E., 42 Burgundy street (old number), November 26, 1895.
- Ord. 7236. Ferrera, Sam, 192 Bienville street, February 28, 1893.
- Ord. 7443. Faber, A., Clinton and Esther streets, Seventh District, April 18, 1893.
- Ord. 7744. Forster, H., Maderon and Chartres streets, July 27, 1893.
- Ord. 8274. Farrar, T. D., Mozart and Dauphine streets, November 7, 1893.
- Ord. 8568. Fitzgerald, J. A., 152 Perdido street, January 9, 1894.
- Ord. 8712. Ferrer, Anthony, Toulouse and Dauphine streets, February 7, 1894.
- Ord. 8788. Fitzner, P., Tchoupitoulas and Valmont streets, March 6, 1894.
- Ord. 8841. Fischer, J., Arabella and Coliseum streets, March 13, 1894.
- Ord. 9100. Franke, P. E., Dauphine and Desire streets, May 1, 1894.
- Ord. 9338. Faber, Simon, removed from Burdette and Temple to Adam and Temple streets, June 26, 1894.
- Ord. 9339. Fagnet, Felix, St. Philip and Robertson streets, June 26, 1894.
- Ord. 9780. Fontanier, Charles, Josephine and Chippewa streets, October 2, 1894.
- Ord. 9851. Ferrera, Timothy, St. Ferdinand and Press streets, October 16, 1894.
- Ord. 10,539. Timothy, John U., Washington and Locust streets, April 4, 1895.
- Ord. 10,759. Folk, Ferdinand, Howard and Gasquet streets, May 21, 1895.
- Ord. 10,897. Ferina, Louis, St. Philip and Claiborne streets, June 18, 1895.
- Ord. 11,001. Frank, J. U., Tchoupitoulas and Constantinople streets, July 9, 1895.
- Ord. 11,067. Finner, John, removed from Ursulines and Dorgenois to opposite corner, July 30, 1894.
- Ord. 11,138. Flynn, A. H., Magnolia and Lafayette streets, August 6, 1895.
- Ord. 11,239. Fuge, T., Tchoupitoulas and Erato streets, September 3, 1895.
- Ord. 7794. Greto, T., Hospital and Royal streets, July 5, 1893.

- Ord. 7937. Glennon, Mrs. Mary, Orange and Tchoupitoulas streets, August 15, 1893.
- Ord. 7939. Galway, Mrs. Theo. H., Claiborne and St. Louis streets, August 15, 1893.
- Ord. 8048. Guitierrez, Joseph, 29 Enghein street, September 5, 1893.
- Ord. 8066. Galpin, L. S., Bellecastle and Jersey streets, September 26, 1893.
- Ord. 8109. Guarine, Jos., removed from Vallette and Jackson to Monroe and Newton streets, October 3, 1893.
- Ord. 8113. Gueringer, Wm., removed from 79 Front and 78 Fulton to 973 Peters and 89 Fulton streets, October 3, 1893.
- Ord. 8350. Garcia, John T., removed from 39 South Claiborne to 41 South Claiborne, November 21, 1893.
- Ord. 8683. Grunewald, L., Baronne, near Canal street, January 30, 1894.
- Ord. 8722. Gerarai, Jos., Monroe and Socrates streets, Fifth District, February 14, 1894.
- Ord. 9313. Greauged, John, First and Annunciation streets, June 5, 1894.
- Ord. 9462. Glennon, Mrs. T., Tulane avenue and Bolivar street, July 31, 1894.
- Ord. 9592. Glavin, John, 981 and 983 Tchoupitoulas street, August 28, 1894.
- Ord. 9801. Gerari, Jos., Verret and Newton streets, Fifth District, October 9, 1895.
- Ord. 9851. Garit, Mrs., 215 Liberty street, October 16, 1894.
- Ord. 9851. Gratia, A., St. Louis and Dauphine streets, October 16, 1894.
- Ord. 10,483. Garatono, T., Robert and Prytania streets, March 19, 1895.
- Ord. 10,546. Guillot, Albert, Lapeyrouse and Dupré streets, April 2, 1895.
- Ord. 10,837. Gernsbarker, A. B., Saratoga and Second streets, June 4, 1895.
- Ord. 11,070. Greever, Mrs. Emma, Belle and Dupré streets, July 30, 1895.
- Ord. 11,232. Gildermeister, Mrs. H. & Co., Hospital and Villere streets, September 3, 1895.
- Ord. 11,578. Guepet, H. P., Annette and Claiborne streets, November 12, 1895.
- Ord. 7237. Heyman, Henry, 246 Howard avenue, February 28, 1893.
- Ord. 7365. Harbenstein, Louis, Johnson and Frenchmen streets, March 28, 1893.
- Ord. 8049. Hempel, Mrs. F., Royal between Press and Montegut streets, September 5, 1893.
- Ord. 8175. Helingarten, C. A., removed from Calliope near Clara to Magnolia and Howard avenues, October 17, 1893.
- Ord. 8412. Hildebrand, H., Seventh and Annunciation streets, December 5, 1893.
- Ord. 8571. Hoppe, Chris., Carrollton avenue and Green street, January 9, 1894.
- Ord. 8607. Hengke, Mrs. and Jourdan, Peace and Royal streets, January 16, 1894.
- Ord. 8902. Hacket M., Liquor and Sample Room, 85 S. Rampart street, March 27, 1894.

- Ord. 9275. Hofer, Thomas, Conti and Chartres streets, May 29, 1894.
- Ord. 9469. Hahn, Mrs. H., 910 Dryades street, July 31, 1894.
- Ord. 9655. Heaton, G. E., Dante and New Levee streets, September 4, 1894.
- Ord. 9995. Harding, Thomas, 22 Gasquet, November 20, 1894.
- Ord. 10,362. Hussennay, G. C., removed from Clara and Perdido to Spain and Rampart, February 19, 1895.
- Ord. 10,384. Hamilton, C. D., 732 Common street, March 5, 1895.
- Ord. 11,427. Hamilton, Chas. H., Hennen building, Oct. 8, 1895.
- Ord. 11,484. Herzog, A., Tehoupitoulas and Poydras streets, October 22, 1895.
- Ord. 7136. Ibor, Eugene, John and Lapeyrouse, January 4, 1893.
- Ord. 11,285. Inzerillo, Joseph, removed from Magazine and Webster to northwest corner Magazine and Webster streets, September 11, 1895.
- Ord. 8170. Jeoffrey, Thos. R., removed from 75 Delta to 815 Front street, October 17, 1893.
- Ord. 8479. Johnson, R. J., Clio and Magnolia streets, December 19, 1893.
- Ord. 8570. Jenny, Mrs. M., Rampart and Spain streets, January 9, 1894.
- Ord. 9659. Jackson, Robert, First and Dryades streets, September 4, 1894.
- Ord. 11,311. Joachim, M., 575 Tehoupitoulas street, September 17, 1895.
- Ord. 11,443. Jacobs, Jr., & Brother, Urquhart and Marigny streets, October 8, 1895.
- Ord. 11,457. Johnstone, S., Broadway and Magazine streets, October 15, 1895.
- Ord. 11,576. Jordan, John, removed from Royal and Peace to Bourbon and Peace streets, November 12, 1895.
- Ord. 7154. Kenner, Anthony, 141 Bienville, January 31, 1893.
- Ord. 7367. Korbacher, George, St. Louis and Broad streets, March 28, 1893.
- Ord. 7870. Keefe, A. O., Philip and Annunciation streets, August 1, 1893.
- Ord. 8068. Kingsmill, G. W., Washington avenue and Coliseum street, September 26, 1893.
- Ord. 9386. Keenan, A. J., Constance and Arabella streets, July 3, 1894.
- Ord. 9463. Kain, Mrs. K., Erato and Willow streets, July 31, 1894.
- Ord. 9727. Kammer, T. J., Harmony, between Magazine and Constance streets, September 18, 1894.
- Ord. 10,596. Kingsmill, Robert, 5513 Magazine street, April 16, 1895.
- Ord. 11,002. Kelly, Mrs., Fourth and Liberty streets, July 9, 1895.
- Ord. 11,140. Kerchof, H., Jeanette and Monroe streets, August 6, 1895.
- Ord. 11,312. Koebel, Prosper A., Independence and Burgundy streets, September 10, 1895.
- Ord. 7094. Lamazon, John, 135 Decatur street, January 10, 1893.
- Ord. 7125. Lambert, Mrs. C., Marengo and Magazine streets, January 17, 1893.
- Ord. 7274. Looschen, Geo., Seguin and Peter streets, Fifth District, March 7, 1893.

- Ord. 7342. Larsen, Mrs. Mary, Lafayette and Dryades streets, March 28, 1893.
- Ord. 7864. Layman, T. V., Hillary and Third street, Seventh District, August 1, 1893.
- Ord. 7867. Leclerc, A. S., 157 Royal street, August 1, 1893.
- Ord. 7940. Lannan, Thos., 328 Tchoupitoulas street, August 15, 1893.
- Ord. 8307. Leglise, Frank, 3 Front street, November 14, 1894.
- Ord. 8353. Landwehr, John F., removed from 471 Dryades to 79 Front street, November 21, 1893.
- Ord. 8476. Lala, Leonard, removed from 37 St. Philip to Anthony and Robertson streets, December 19, 1893.
- Ord. 8491. Lavigne, Albert, Bienville and Derbigny, changed to Bienville and Villere street, December 19, 1893.
- Ord. 8537. Lavigne, Albert, Bienville and Villere street, January 2, 1894.
- Ord. 8559. Layman, T. V., Second, between Hillary and Clinton street, Seventh District, January 9, 1894.
- Ord. 9466. Latapie, B., 154 Rampart street, July 31, 1894.
- Ord. 10,049. Lopez, F., 425 South Rampart street, December 4, 1894.
- Ord. 10,566. Lamanna, N., 208 Dauphine street, April 9, 1894.
- Ord. 10,840. Levy, D., Marais and Bienville streets, June 4, 1894.
- Ord. 10,903. Landry, Geo., New Orleans and St. Bernard street, June 18, 1894.
- Ord. 11,122. Lala, Frank, Urquhart and Marigny street, August 6, 1894.
- Ord. 11,234. Lawson, George, removed from Johnson and Carondelet Walk to Derbigny and Carondelet Walk, September 3, 1894.
- Ord. 11,283. Letellier, Mrs. P., Ursulines and Broad street, September 10, 1894.
- Ord. 11,389. Levy, F., 1615 Orleans street, October 1, 1894.
- Ord. 11,577. Levy, D., Bienville and Derbigny streets, November 12, 1894.
- Ord. 7225. Malter, Joseph, Spain and Urquhart streets, February 15, 1893.
- Ord. 7369. Meragas, Mrs. J., 8 and 10 Annunciation street, March 28, 1893.
- Ord. 7657. Momer, H. & Brownson, 93 Customhouse street, May 30, 1893.
- Ord. 7791. Mandella, P., Philip and Liberty streets, July 5, 1893.
- Ord. 7792. Murray, L., Jr., Annunciation and St. Mary streets, July 5, 1893.
- Ord. 7820. Masson, M. Jr., Soniat and Magazine streets, July 25, 1893.
- Ord. 7862. Maruso, B., 500 Prytania street, August 1, 1893.
- Ord. 7863. Mertz, J. P., Jefferson and Jeanette streets, August 1, 1893.
- Ord. 7938. Murphy, D. T., removed from Dryades and Clio to 202 Howard avenue, August 15, 1893.
- Ord. 8200. Manruso, D., Customhouse and Derbigny streets, October 24, 1893.
- Ord. 8275. Mentz, John, Richard and Chippewa streets, November 7, 1893.

- Ord. 8723. Mutzater, George, Carondelet Walk and Johnson streets, February 14, 1894.
- Ord. 8797. Manruso, Frank, removed from Carondelet Walk and Claiborne to Carondelet Walk and Roman streets, March 6, 1894.
- Ord. 9099. Martin, Messrs. & Co., removed from 209 to 205 Orleans street, May 1, 1894.
- Ord. 9653. Manruso, Dominico, Bourbon and St. Peter streets, September 4, 1894.
- Ord. 9654. Millaudon, P., Third and St. Patrick streets, September 4, 1894.
- Ord. 9867. Mailley, James, First and Saratoga streets, October 26, 1896.
- Ord. 9998. Musgrove & Harris, Rampart and Esplanade streets, November 20, 1894.
- Ord. 10,160. Murphy, C. J., Lafayette and Franklin streets, January 2, 1895.
- Ord. 10,251. Margue, Jean, Columbus and Claiborne streets, February 2, 1895.
- Ord. 10,482. Markey, Jos., Bolivar and Gravier streets, March 19, 1895.
- Ord. 10,489. Murphy, Mrs. Wm., Dufossat and Coliseum streets, March 26, 1895.
- Ord. 10,547. Martin Bros., 151 Chartres street, April 2, 1895.
- Ord. 10,841. Murphy, Charles, Clara and Gravier streets, June 4, 1895.
- Ord. 10,895. Mersch, H. L., Fourth and Saratoga streets, June 18, 1895.
- Ord. 10,896. Maratuso, Antonio, St. Bernard avenue and Marais streets, June 18, 1895.
- Ord. 10,901. Mustarte, Anthony, St. Ann and Roman streets, June 18, 1895.
- Ord. 10,904. Miller, Geo. A., Bienville and Salomon streets, June 18, 1895.
- Ord. 10,928. Mottashed, R. J., removed from Bolivar and Gravier to Salomon and Bienville streets, June 25, 1895.
- Ord. 11,040. Martin, R., St. Louis and Roman streets, July 23, 1895.
- Ord. 11,042. Mussachia, Leon, 12 Bouny street, July, 23, 1895.
- Ord. 11,068. Muscato, Liberio, St. Philip and Chartres streets, July 30, 1895.
- Ord. 11,486. Marriante, S., Bouny and Alix streets, Fifth District, October 22, 1895.
- Ord. 11,559. Mailtho, A., Orleans and Burgundy streets, November 5, 1895.
- Ord. 11,686. Masdexexarts, John, Canal and Villere streets, December 10, 1895.
- Ord. 11,713. Miller, Joseph, Laurel and Lyon streets, December 24, 1895.
- Ord. 8414. McAuley, A., Robin, between Water and Peters streets, December 5, 1893.
- Ord. 9273. McGowan, M., Common and Basin streets, May 29, 1894.
- Ord. 9746. McGuire, Mrs., and Fortier, 98 Poydras street, September 26, 1894.
- Ord. 9398. McNeil, A., Bolivar and Perdido streets, October 30, 1894.
- Ord. 10,984. McGraw, W., Jackson and Clara streets, July 2, 1895.

- Ord. 11,066. McManon, Thomas, Clio and Dryades streets, July 30, 1895.
- Ord. 11,282. McAuley, A., 434 and 436 Market street, September 11, 1895.
- Ord. 11,685. McKnight, A. A., Perdido and Franklin streets, December 10, 1895.
- Ord. 11,143. McGill, Mrs. H., Poland and Burgundy streets, August 6, 1895.
- Ord. 8201. Newport, Edward, Lafayette and Roman streets, October 24, 1893.
- Ord. 8377. Nelson, E. J., removed from upper corner to lower corner of Tchoupitoulas and Constance, November 28, 1893.
- Ord. 8558. Nustosh, F. J., removed from Calliope and Constance to Calliope and Annunciation, January 9, 1894.
- Ord. 9544. Nelson, H. W., 232 Tchoupitoulas street, August 7, 1894.
- Ord. 9779. Nungesser, Fred., 952 Tchoupitoulas street, October 2, 1894.
- Ord. 9898. Nobler, Wm. R., Delord and Magazine streets, October 30, 1894.
- Ord. 7865. Ory, Octave, Aline and Laurel streets, August 1, 1893.
- Ord. 7868. Olivieri, J., Washington and Annunciation streets, August 1, 1893.
- Ord. 8047. O'Neill, Tim., Tchoupitoulas and St. Joseph streets, September 5, 1893.
- Ord. 9387. Oldham, William, Cypress and Clara streets, July 3, 1894.
- Ord. 11,456. Ochiglivich, M., removed from Chartres and Spain to Louisa and St. Claude streets, October 15, 1895.
- Ord. 7095. Puderer, John, Tchoupitoulas and Cadiz streets, January 10, 1893.
- Ord. 7137. Pedepay, Felix, 13 Madison street, January 24, 1893.
- Ord. 7363. Provenzano, B., removed from 48 Washington street to Philip and Locust streets, March 28, 1893.
- Ord. 8276. Pillot, Louis, removed from Grande Route and Bayou St. John to Encampment and Florida, November 7, 1893.
- Ord. 8450. Pucket, R. S., Verret and Market streets, December 12, 1893.
- Ord. 8873. Palata, B., Melpomene and White streets, March 20, 1894.
- Ord. 9164. Prosdame, J. G., 4 and 6 St. Charles street, May 15, 1894.
- Ord. 9223. Pepin, J. E., 19 Ursulines street, May 22, 1894.
- Ord. 9389. Pores, Adrien, Dumaine and Claiborne streets, July 3, 1894.
- Ord. 9851. Perronvell, John C., Carondelet and Harmony streets, October 16, 1894.
- Ord. 9940. Perez, Emile, Marais and St. Anthony streets, November 10, 1894.
- Ord. 10,172. Pfeiffer, John, Oak and Leonidas streets, January 2, 1895.
- Ord. 11,141. Trenton, Mrs. J. M., Saratoga and Terpsichore streets, August 6, 1895.
- Ord. 11,428. Tate, W. T., 614 Fourth street, October 8, 1895.

- Ord. 11,281. Peres, A. W., removed from Claiborne and Du-
maine streets to Marais and Orleans street,
September 10, 1895.
- Ord. 7364. Rhode, F., Zimple and Burdette streets, March 28,
1893.
- Ord. 7514. Ruine, J., Canal and Roman streets, May 2, 1893.
- Ord. 7618. Rolle, H., Bordeaux and Magazine streets, May 23,
1893.
- Ord. 7998. Roche, James, Hunter and St. Peter streets, August
29, 1893.
- Ord. 8050. Ratto, Mrs. S. M., St. Ann and Rampart streets,
September 5, 1893.
- Ord. 8110. Royo, J. S., removed from 141 to 121 Jackson street,
October 3, 1893.
- Ord. 8111. Richards, G. G., 18 Villere street, Fifth District, Oc-
tober 3, 1893.
- Ord. 8178. Richards, Mrs., and Pebit, 306 Poydras street, Octo-
ber 17, 1893.
- Ord. 8352. Ryder, James, St. Peter, between Nunn and St.
Mary streets, November 21, 1893.
- Ord. 8569. Ryan, M. and J., Ferdinand and Dauphine streets,
January 9, 1894.
- Ord. 8957. Roubillar, Bertrand, Tonti and St. Bernard streets,
April 3, 1894.
- Ord. 9465. Ryan, George W., Levee and Short streets, Seventh
District, July 31, 1894.
- Ord. 9802. Reilly, J., Clio and Freret streets, October 9, 1894.
- Ord. 9867. Reilly, P. H. and P. J., Thalia and Rampart streets,
October 23, 1894.
- Ord. 10,383. Russell & Jones, White and Thalia streets, March
5, 1895.
- Ord. 10,836. Roux, George, Florida, between Mystery and En-
campment streets, January 4, 1895.
- Ord. 11,041. Rutherford, Charles J., 231 S. Franklin street
July 23, 1895.
- Ord. 11,069. Rosenberg, B., Franklin, between Poydras and
Lafayette streets, July 30, 1895.
- Ord. 11,235. Richards, G. G., 2057 Tchoupitoulas street, Sep-
tember 3, 1895.
- Ord. 11,483. Ratto & Siener, Moss street and Grand Route St.
John, October 22, 1895.
- Ord. 11,516. Robinson, James, 509 Esplanade avenue, October
29, 1895.
- Ord. 11,668. Riley, J. A., Royal, between Canal and Custom-
house streets, December 3, 1895.
- Ord. 7904. Schneller, Geo. T., Rampart and Music streets,
February 7, 1893.
- Ord. 7223. Schilling, Fred, Louisiana avenue and Liberty
street, February 15, 1893.
- Ord. 7299. Shaughnessy, M. O., Second and Howard streets,
March 14, 1893.
- Ord. 7362. Scarcina, Mrs. Catherine, Seguin and Eliza streets,
March 28, 1893.
- Ord. 7445. Saharein, P., Gentilly and Castiglione streets, April
18, 1893.
- Ord. 7869. Smith, H. I. and James, Tchoupitoulas and Napo-
leon avenue, August 1, 1893.
- Ord. 8181. Sarodes, J. M., Adams, between Jumonville and
Bienvenue, October 17, 1893.

- Ord. 8349. Sparirio, M., 221 Chartres street, November 21, 1893.
- Ord. 8354. Sivori, L. F., Broad and Laharpe streets, November 21, 1893.
- Ord. 8413. Schebtzky, C., 40 Dumaine street, December 8, 1893.
- Ord. 8453. Stubb, Caspar, removed from Lafayette and Magnolia to White and St. Andrew streets, December 12, 1893.
- Ord. 8631. Simms, R. J., Liberty and First streets, January 23, 1894.
- Ord. 8746. Schneider, C. A., Miro and Common streets, February 27, 1894.
- Ord. 8901. Schnell, Frank, North Peters and Tonti streets, March 27, 1894.
- Ord. 9163. Souza, Vic., Bienville and Johnson streets, May 15, 1894.
- Ord. 9381. Shayot, A. G., removed from St. Ann and Miro to Dumaine and Hagan avenue, July 3, 1894.
- Ord. 9388. Smith, Theodor, 270 South Poydras street, July 3, 1894.
- Ord. 9547. Sutter, Fred., Esplanade and Bayou St. John, August 7, 1894.
- Ord. 9656. Sohlinger, Simon, Grand Route St. John and Bayou St. John, September 4, 1894.
- Ord. 9657. Sulpire, E. V., 600 Royal street, September 4, 1894.
- Ord. 9997. Shepperd, George, St. Thomas and Erato streets, November 20, 1894.
- Ord. 10,490. Schiro, Jos., 416 Hospital street, March 26, 1895.
- Ord. 10,621. Southern Liquor and Wine Company, 416 and 418 Exchange alley, April 23, 1895.
- Ord. 10,893. Stockton, James, removed from Pelican avenue and Belleville to Seguin and Eliza streets, June 18, 1895.
- Ord. 10,899. Segretto, Giovanni, Basin and Perdido streets, June 18, 1895.
- Ord. 10,930. Schroestzer, Philip, 611, 613, 615 Chartres street, June 25, 1895.
- Ord. 11,123. Schultz & Wallare, 932 Magazine street, August 6, 1895.
- Ord. 10,663. Soco, A., successor C. T., Customhouse and Rochelave streets, April 20, 1895.
- Ord. 7138. Tranchina, D., Sixth and Magazine streets, January 24, 1893.
- Ord. 7620. Toro, Frank, 232 Common street, May 23, 1893.
- Ord. 7619. Thairat, L. C., Ursulines and Bourbon streets, May 23, 1893.
- Ord. 8184. Thomas, Mrs., removed from Bartholomew and Levee to Jeanne and Chartres, October 17, 1893.
- Ord. 8598. Tomeny, Frank, Roman and Palmyra streets, January 16, 1893.
- Ord. 8747. Tajard, Alex., Jackson and Fourth, February 27, 1893.
- Ord. 9098. Turgeau, Chas. A. Laroque, 56 Exchange Alley, May 1, 1894.
- Ord. 9382. Tridico, Salvador, removed from First and Magnolia to Second and Chestnut, July 3, 1894.
- Ord. 9384. Toebbe, Jos., Third and St. David streets, July 3, 1894.

- Ord. 9537. Tarkel, John, Louisiana avenue and St. David street, August 7, 1894.
- Ord. 9996. Trainor, Matt., St. James and Tchoupitoulas streets, November 20, 1894.
- Ord. 10,565. Tiernan, Peter, Patterson near Belleville, Fifth District, April 11, 1895.
- Ord. 10,900. Trapané, S. D., Claiborne and St. Peter streets, July 18, 1895.
- Ord. 11,168. Schriever, W. Y., Arabella and Coliseum streets, August 27, 1895.
- Ord. 11,508. Salathe, Leonard, 513 Ursulines street, October 22, 1895.
- Ord. 11,614. Saine, Mrs. Marie, Tulane avenue and Galvez street, November 26, 1895.
- Ord. 11,669. Sellers, John, Customhouse and Miro streets, December 3, 1895.
- Ord. 11,670. Schullenkamp, Mrs. M., removed from St. Peter and Royal streets to St. Peter and Burgundy streets, December 3, 1895.
- Ord. 8351. Uhde, Mrs. J. F., Lafayette and Basin streets, November 21, 1893.
- Ord. 10,182. Ullrich, Frank, 70 Art street, January 2, 1895.
- Ord. 10,500. Ulm, M. Jr., Laurel and Constantinople streets, March 26, 1895.
- Ord. 7200. Verden & Wakefield, Franklin, between Customhouse and Canal streets, February 7, 1893.
- Ord. 7202. Villemear, Chas., Valence and St. Denis streets, February 7, 1893.
- Ord. 8452. Vincent, Mrs. E., Patterson, between Prosper and Elmira, Fifth District, December 12, 1893.
- Ord. 8478. Victor, Mrs. Charles, Philip and Tchoupitoulas streets, December 19, 1893.
- Ord. 9867. Vaquelin, John, Maurepas and Savage streets, October 23, 1894.
- Ord. 10,902. Vanhorn, T. E., Poydras and Carondelet streets, June 18, 1895.
- Ord. 7391. Westerfeld, C. U., Adams and Delaronde streets, August 4, 1893.
- Ord. 7743. Williamson, Thomas, Laurel and Third streets, June 27, 1893.
- Ord. 8067. Waschman, Charles, Union and Villere streets, September 26, 1893.
- Ord. 8179. Waters, G. W., 118 Customhouse street, October 17, 1893.
- Ord. 8477. Wittmann, G. W., Kerlerec and Burgundy streets, December 19, 1893.
- Ord. 8572. Warringen, Magdalena, Lafayette and Magnolia streets, January 9, 1894.
- Ord. 9826. Waters, G. W., removed from 118 Customhouse to 324 Burgundy, October 9, 1894.
- Ord. 10,048. Willson, Mrs. and William, 723 South Rampart street, December 4, 1894.
- Ord. 10,171. Wille, John E., Common and Dupré streets, January 2, 1895.
- Ord. 10,173. Werl, Sol., 985 Tchoupitoulas street, January 2, 1895.
- Ord. 10,229. Weisdorffer, L., Bellecastle and Annunciation streets, January 22, 1895.
- Ord. 11,518. Weibett, Wm. F., Tulane and Franklin streets, October 29, 1895.

Ord. 8180. Zimmerman, N., Clara and Poydras streets, October 17, 1893.

Ord. 11,004. Zahn, Mrs. Jacob, Laurel and Pleasant streets, July 9, 1895.

BAYOU ST. JOHN—SEE CANALS AND SHELL ROADS.

BICYCLES.

SEE OFFENCES AND STREETS.

Provide with light and bell. ART. 261. (1) That hereafter it shall be unlawful for any person or persons to ride or propel any bicycle through the streets of the city of New Orleans unless the same be provided in the daytime with an alarm bell, and at night with a light, and that any one contravening the provisions of this ordinance be liable to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison of this city not to exceed thirty days, at the discretion of the recorders of the various police courts of this city having jurisdiction.

Pavement covering Camp and Melpomene canal. ART. 262. That on and after the passage of this ordinance it shall be unlawful for any person or persons to ride an animal or drive any vehicle, or operate bicycles or tricycle, or push a wheelbarrow, or skate on the Schillinger pavement covering the Camp and Melpomene street culvert; any violation of this ordinance shall be fined in the sum not to exceed \$25, or imprisonment not more than thirty days, or both, at the discretion of the Recorder.

Driving on banquettes. ART. 263. That it shall not be lawful for any person to drive any horse, cow or mule, cart or vehicle of any description whatsoever; any wheelbarrow, bicycle or article with wheel or wheels, propelled by hand or other motive power, over the banquettes of any street on penalty of a fine of five dollars, recoverable before the Recorder of the district in which the offence is committed, or in the event of non-payment of the fine so imposed, imprisonment by the Recorder for a period not more than ten days; provided, however, that noth-

Penalty.

ing herein contained shall prevent any person or persons from riding or driving across any of the said banquettes any horses or beasts of burden, wheelbarrows, bicycles, vehicles or articles with wheel or wheels, propelled by horse, hand or other power, into and out of their respective lots or tenements. It being understood that nothing herein contained shall prevent owners of bicycles, or persons having same, from pushing their bicycles over said banquettes. Pushing bicycles permitted.

BRIDGES—See CANALS.

BIRTHS, DEATHS AND MARRIAGES—See HEALTH AND QUARANTINE.

BOARD OF ASSESSORS—See ASSESSORS.

BOARD OF HEALTH—See HEALTH AND QUARANTINE.

BOARD OF HARBOR MASTERS—See HARBOR MASTERS.

BOARD OF POLICE COMMISSIONERS—See POLICE.

BOARD OF LIQUIDATION—See CITY DEBT.

BOARD OF SCHOOL DIRECTORS—See PUBLIC SCHOOLS.

BOARD OF FIRE COMMISSIONERS—See FIRE DEPARTMENT.

BOARD OF LEVEE COMMISSIONERS—See LANDS AND LEVEES.

BOARD OF PARK COMMISSIONERS—See PARKS.

BONDS AND SECURITY.

ART. 264. That in all cases where bonds are required by law or ordinance to be given in favor of the city of New Orleans, or any officer or department of the city government, such bonds shall be signed and executed before the City Notary, whose fee shall be paid by the party or parties executing the same. Official bonds to be executed before City Notary.
Ord. No. 659,
C. S.
April 8, 1884.

Police bonds
before the
Mayor.

ART. 265. That this requirement shall not apply to bonds to be furnished by persons appointed on the city police, whose bonds shall always be filed and retained in the office of the Mayor.

See Act 63 of 1888.

ART. 266. That the City Notary shall deliver, free of charge, a duly authenticated copy of each bond executed before him,

Surety to pos-
sess real estate.
Ib.

ART. 567. (2) All persons contracting with the city for any work to be done, and all persons accepting offices of trust or emolument from the city, who are required by law to give bond for the faithful performance of their duties, shall be required to furnish securities possessing real estate to the amount of the obligation of the bond. The corporation, in all cases, reserves the right of demanding additional security whenever deemed advisable.

See Act 41 of 1894 relative to Companies on Bonds.

Bonds to be
completed be-
fore issue of
warrants.

ART. 568. (3) The Comptroller shall not issue warrants to officers or employees of the city in any instance until they complete their bonds in accordance with the ordinance under which they hold office.

To be fur-
nished within
two weeks.

ART. 569. (4) All persons appointed to office by the Common Council who shall neglect to furnish the name or names of his securities within two weeks after their appointment, will be considered as having declined to qualify, and the Council proceed to a new election, unless satisfactory reasons be given for the delay.

Condition of
bonds.

ART. 570. (5) It shall be the duty of the City Attorney and Comptroller, in all bonds of city officers, to provide that such bonds shall continue in force during the continuance of such officers in the employment to which they may have been elected, so that their re-appointment or re-election shall not impair the obligation of such bonds.

Clerk Council
to deliver to
City Notary all
notices requir-
ing notarial
act.

Ord. No. 58,
C. S.
Jan. 9, 1883.

ART. 571. That on the promulgation of any ordinance which may be adopted by the City Council of the city of New Orleans, having for its object or purpose, or in contemplation a written or notarial contract, agreement, bond, act, or sale or purchase, or any au

thentic act to which the city of New Orleans may be a party, or have any interest therein, the Clerk of the City Council shall forthwith forward to the official notary of the city a duly certified copy of such ordinance, together with all or any essential papers or other matter relating to the subject matter of such ordinance as may have come into his custody or possession, taking the receipt of the City Notary for all such papers or other matter so delivered.

ART. 572. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed. Repealing
clause. Ib.

AN ACT

Relative to the disposition of forfeited bonds and recognizances, and of all fines and forfeitures incurred for crimes and offences against the laws of the State.

Acts of 1859, No. 25, p. 23.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That all forfeited bonds and recognizances, and all fines and forfeitures incurred for crimes and offences against the laws of this State, which, by the laws heretofore in force, are required to be paid into the State treasury, shall, from and after the passage of this act, belong to, and to be paid into the treasury of the parish where such forfeited bonds and recognizances have been executed and in which such crimes or offences have been committed, or such fines and forfeitures have been incurred; and in the parish and city of New Orleans such forfeited bonds and recognizances and fines and forfeitures shall belong to and be paid into the treasury of said city.

SEC. 2. *Be it further enacted, etc.,* That the foregoing section shall not apply to any slave or slaves forfeited to the State; nor shall anything contained therein be so construed as to affect in any manner the process for collecting forfeited bonds and recognizances and fines and forfeitures.

SEC. 3. *Be it further enacted, etc.,* That all laws or parts of laws contrary to the foregoing sections be and the same are hereby repealed.

(ACT NO. 164—Approved March 20. 1856.)

SEC. 132. That the Common Council of New Orleans shall have power to require bond or security from all persons holding any office of trust or emolument in the City Administration for such sum as it may deem proper.

BOUNDARIES.

Left bank,
Ord. No. 6105,
C. S.
March 3, 1892.

ART. 273. That the boundary line of the left bank of the Mississippi river, between the parishes of Jefferson and Orleans, as defined in Sec. 1, of Act 71 of 1874, be established as shown on the plots of a survey, herewith submitted, made in May, 1891, by W. J. Hardee and B. J. Olewier, representing the parish of Jefferson, and B. M. Harrod, City Engineer, representing the city of New Orleans, and running from the levee on the Mississippi river to the bank of the Fourteenth Street Canal, and also by a map of a survey made by B. M. Harrod, City Engineer, representing the city of New Orleans, and Sidney F. Lewis, Assistant State Engineer, representing the parish of Jefferson, from the Fourteenth Street Canal running back to the shore of Lake Pontchartrain.

Maps to be
deposited.

ART. 274. That the Mayor of the city of New Orleans be accordingly directed to make the deposits, as required by law, of the said maps, duly signed and countersigned by the said surveyors respectively, and by the said Mayor and the president of the Police Jury of Jefferson parish in the office of the Recorder of Conveyances in the parish of Orleans.

CITY LIMITS—See *City Charter*.

DISTRICT LIMITS—See *City Charter*.

WARDS—PRECINCTS.

Ord. 9276, C. S.
Sept. 16, 1894.
Ord. No. 9763,
C. S.
Oct. 2, 1894.
Amended
by Ord. No.
9871, C. S.
Ord. No. 9835,
C. S.
Ord. No. 9763.

ART. 275. First Ward—First Precinct—From river to Tchoupitoulas, including river side, and from Thalia to Felicity.

Second Precinct—From wood side of Tchoupitoulas to river side St. Thomas and from Thalia to Felicity.

Third Precinct—From St. Thomas to Annunciation and from Thalia to Felicity.

Fourth Precinct—From Annunciation to Constance and from Thalia to Felicity.

Fifth Precinct—From Constance to Magazine and from Thalia to Felicity.

Sixth Precinct—From Magazine to Prytania and from Thalia to Felicity.

Seventh Precinct—From Prytania to Carondelet and from Thalia to Felicity.

Eighth Precinct—From Carondelet to Dryades and from Thalia to Felicity.

Ninth Precinct—From Dryades to Franklin and from Thalia to Felicity.

Tenth Precinct—From Franklin to Freret and from Thalia to Felicity.

Eleventh Precinct—From Freret to Claiborne and from Thalia to Felicity.

ART. 276. Second Ward—First Precinct—From river to Tchoupitoulas, and from Julia to Thalia.

Second Precinct—From Tchoupitoulas to Annunciation, and from Delord to Thalia.

Third Precinct—From Tchoupitoulas to Camp and from Julia to Delord.

Fourth Precinct—From Annunciation to Camp and from Delord to Gaiennie.

Fifth Precinct—From Annunciation to Camp and from Gaiennie to Thalia.

Sixth Precinct—From Camp to Carondelet and from Julia to Calliope.

Seventh Precinct—From Calliope to Thalia, and from Camp to Carondelet.

Eighth Precinct—From Carondelet to Baronne, and from Julia to Thalia.

Ninth Precinct—From Baronne to Franklin, and from Julia to Calliope.

Tenth Precinct—From Calliope to Thalia and from Baronne to Franklin.

Eleventh Precinct—From Franklin to Howard and from Delord to Thalia.

Twelfth Precinct—From Delord to Thalia and from Howard to Magnolia.

Thirteenth Precinct—From Magnolia to Carrollton avenue and from Delord to Thalia.

ART. 277. Third Ward.

First Precinct—From river to Magazine and from Canal to Julia.

Second Precinct—From Magazine to St. Charles and from Canal to Julia.

Third Precinct—From St. Charles to Dryades and from Canal to Poydras.

Fourth Precinct—From Poydras to Julia and from St. Charles to Dryades.

Fifth Precinct—From Dryades to Basin and from Canal to Poydras.

Sixth Precinct—From Poydras to Julia and from Dryades to Basin.

Seventh Precinct—From Basin to Liberty and from Canal to Poydras.

Eighth Precinct—From Poydras to Julia and from Basin to Liberty.

Ninth Precinct—From Liberty to Claiborne and from Julia to Poydras.

Tenth Precinct—From Poydras to Tulane avenue (Common) and from Liberty to Claiborne.

Eleventh Precinct—From Tulane avenue (late Common) to Canal and from Liberty to Claiborne, 339.

Twelfth Precinct—From Claiborne to Johnson and from Julia to Poydras.

Thirteenth Precinct—From Poydras to Gravier and from Claiborne to Johnson.

Fourteenth Precinct—From Gravier to Palmyra and from Claiborne to Johnson.

Fifteenth Precinct—From Palmyra to Canal and from Claiborne to Johnson.

Sixteenth Precinct—From Canal to Palmyra and from Johnson to Broad.

Seventeenth Precinct—From Palmyra to Gravier and from Johnson to Broad.

Eighteenth Precinct—From Gravier to Julia and from Johnson to Broad.

Nineteenth Precinct—From Broad to Metairie and from Canal to Julia.

ART. 278. Fourth Ward.

First Precinct—From river to Royal and from Canal to St. Louis.

Second Precinct—From Royal to Dauphine and from Canal to St. Louis.

Third Precinct—From Dauphine to Rampart and from Canal to St. Louis.

Fourth Precinct—From Rampart to Marais and from Canal to St. Louis.

Fifth Precinct—From Marais to Claiborne and from Canal to St. Louis.

Sixth Precinct—From Claiborne to Roman and from Canal to St. Louis.

Seventh Precinct—From Roman to Galvez and from Canal to St. Louis.

Eighth Precinct—From Galvez to Broad and from Canal to St. Louis.

Ninth Precinct—From Broad to woods and from Canal to St. Louis.

ART. 279. Fifth Ward.

First Precinct—From River to Chartres, and from St. Louis to St. Philip.

Second Precinct—From Chartres to Bourbon, and from St. Louis to St. Philip.

Third Precinct—From Bourbon to Burgundy, and from St. Louis to Orleans.

Fourth Precinct—From Orleans to St. Philip, and from Bourbon to Burgundy.

Fifth Precinct—From Burgundy to Villere, and from St. Louis to Orleans.

Sixth Precinct—From Orleans to St. Philip, and from Burgundy to Villere.

Seventh Precinct—From Villere to Roman, and from St. Louis to Orleans.

Eighth Precinct—From Orleans to St. Philip, and from Villere to Roman.

Ninth Precinct—From Roman to Tonti, and from St. Louis to Orleans.

Tenth Precinct—From Orleans to St. Philip, and from Roman to Tonti.

Eleventh Precinct—From Tonti to Broad, and from St. Louis to St. Philip.

Twelfth Precinct—From Broad to the Lake, and from St. Louis to St. Philip.

ART. 280. Sixth Ward.

First Precinct—From River to Chartres, and from St. Philip to Hospital.

Second Precinct—From Hospital to Esplanade, and from River to Chartres.

Third Precinct—From Chartres to Rampart, and from St. Philip to Hospital.

Fourth Precinct—From Hospital to Esplanade and from Chartres to Rampart.

Fifth Precinct—From Rampart to Villere, and from St. Philip to Bayou Road.

Sixth Precinct—From Bayou Road to Esplanade, and from Rampart to Villere.

Seventh Precinct—From Villere to Claiborne, and from St. Philip to Esplanade.

Eighth Precinct—From Claiborne to Prieur, and from St. Philip to Esplanade.

Ninth Precinct—From Prieur to Rocheblave, and from St. Philip to Esplanade.

Tenth Precinct—From Rocheblave to Bayou St. John, and from St. Philip to Esplanade.

ART. 281. Seventh Ward.

First Precinct—From North Peters to Chartres and from Esplanade to Elysian Fields.

Second Precinct—From Chartres to Dauphine and from Esplanade to Elysian Fields.

Third Precinct—From Dauphine to Rampart and from Esplanade to Elysian Fields.

Fourth Precinct—From Rampart to Marais and from Esplanade to Elysian Fields.

Fifth Precinct—From Marais to Robertson and from St. Anthony to Elysian Fields.

Sixth Precinct—From Robertson to Celestine and from Elysian Fields to St. Anthony.

Seventh Precinct—From St. Anthony to St. Bernard avenue and from Marais to Celestine.

Eighth Precinct—From Marais to Derbigny and from St. Bernard avenue to Esplanade.

Ninth Precinct—From Derbigny to Galvez and from St. Bernard avenue to Esplanade.

Tenth Precinct—From Esplanade to St. Bernard avenue and from Galvez to Broad.

Eleventh Precinct—From St. Bernard avenue to Elysian Fields and from Celestine to Marigny.

Twelfth Precinct—From Broad to the woods and from Esplanade to Marigny avenue.

Thirteenth Precinct—From Marigny avenue to Lake Pontchartrain and from Elysian Fields to the woods.

ART. 282. Eighth Ward.

First Precinct—From Elysian Fields to Lafayette avenue and from Peters to Chartres.

Second Precinct—From Elysian Fields to Mandeville and from Chartres to Rampart.

Third Precinct—From Mandeville to Lafayette and Chartres to Rampart.

Fourth Precinct—From Elysian Fields to Mandeville and from Rampart to Villere.

Fifth Precinct—Mandeville to Lafayette and from Rampart to Villere.

Sixth Precinct—From Elysian Fields to Lafayette avenue, and from Villere to Celestine.

Seventh Precinct—From Elysian Fields to Lafayette avenue and from Celestine to Lake.

ART. 283. Ninth Ward.

First Precinct—From North Peters to St. Claude and from Lafayette to St. Ferdinand.

Second Precinct—From St. Ferdinand to Clouet and from North Peters to St. Claude.

Third Precinct—From Clouet to Piety and from North Peters to St. Claude.

Fourth Precinct—From Piety to Congress and from North Peters to St. Claude.

Fifth Precinct—From Congress to Bartholomew and from North Peters to St. Claude.

Sixth Precinct—From Bartholomew to Poland and from North Peters to St. Claude.

Seventh Precinct—From Lafayette avenue to Clouet and from St. Claude to Florida walk.

Eighth Precinct—From Clouet to Poland and from St. Claude to Florida walk.

Ninth Precinct—From People's avenue to woods and from Florida walk to Pontchartrain.

Tenth Precinct—From Poland to Delery and from river to St. Claude street.

Eleventh Precinct—From Poland to Fisherman's Canal and from St. Claude to Florida walk.

ART. 284. Tenth Ward.

First Precinct—From river to Rousseau, from Felicity Road to Josephine.

Second Precinct—From Josephine to First and from river to Rousseau.

Third Precinct—From Rousseau to Chippewa and from Felicity Road to Josephine.

Fourth Precinct—From Josephine to First and from Rousseau to Chippewa.

Fifth Precinct—From Chippewa to Laurel and from Felicity Road to Josephine.

Sixth Precinct—From Josephine to First and from Chippewa to Laurel.

Seventh Precinct—From Laurel to Camp and from Felicity Road to Josephine.

Eighth Precinct—From Josephine to First and from Laurel to Camp.

Ninth Precinct—From Camp to St. Charles and from Felicity Road to Josephine.

Ord. No. 9763,
C. S.

Tenth Precinct—From Josephine to First and from Camp to St. Charles.

Eleventh Precinct—From St. Charles to Baronne and from Felicity Road to Josephine.

Twelfth Precinct—From Josephine to First and from St. Charles to Baronne.

Thirteenth Precinct—From Baronne to Franklin and from Felicity Road to Josephine.

Fourteenth Precinct—From Josephine to First and from Baronne to Franklin.

Fifteenth Precinct—From Franklin to woods and from Felicity Road to Josephine.

Sixteenth Precinct—From Josephine to First and from Franklin to woods.

Ordinance 9763, C. S.

ART. 285. Eleventh Ward.

First Precinct—From river to St. Thomas and from First to Washington.

Second Precinct—From Washington to Toledano and from river to St. Thomas.

Third Precinct—From St. Thomas to Annunciation and from First to Washington.

Fourth Precinct—From Washington to Toledano and from St. Thomas to Annunciation.

Fifth Precinct—From Annunciation to Constance and from First to Washington.

Sixth Precinct—From Washington to Toledano and from Annunciation to Constance.

Seventh Precinct—From Constance to Camp and from First to Washington.

Eighth Precinct—From Washington to Toledano and from Constance to Camp.

Ninth Precinct—From Camp to St. Charles and from First to Washington.

Tenth Precinct—From Washington to Toledano and from Camp to St. Charles.

Eleventh Precinct—From St. Charles to Baronne and from First to Washington.

Twelfth Precinct—From Washington to Toledano and from St. Charles to Baronne.

Thirteenth Precinct—From Baronne to Liberty and from First to Washington.

Fourteenth Precinct—From Washington to Toledano and from Baronne to Liberty.

Fifteenth Precinct—From Liberty to woods and from First to Toledano.

ART. 286. Twelfth Ward.

First Precinct—From river to Laurel and from Tolledano to General Taylor.

Second Precinct—From General Taylor to Napoleon avenue, and from river to Laurel.

Third Precinct—From Laurel to Camp and from Tolledano to General Taylor.

Fourth Precinct—From General Taylor to Napoleon avenue and from Laurel to Camp.

Fifth Precinct—From Camp to St. Charles and from Tolledano to General Taylor.

Sixth Precinct—From General Taylor to Napoleon avenue and from Camp to St. Charles.

Seventh Precinct—From St. Charles to Dryades and from Tolledano to Napoleon avenue.

Eighth Precinct—From Dryades to woods, and from Tolledano to Napoleon avenue.

ART. 287. Thirteenth Ward.

First Precinct—From river to Laurel, and from Napoleon avenue to Bordeaux.

Second Precinct—From Bordeaux to Peters avenue, and from river to Laurel.

Third Precinct—From Laurel to Camp, and from Napoleon avenue to Bordeaux.

Fourth Precinct—From Bordeaux to Peters avenue, and from Laurel to Camp.

Fifth Precinct—From Camp to Prytania, and from Napoleon avenue to Bordeaux.

Sixth Precinct—From Bordeaux to Peters avenue, and from Camp to Prytania.

Seventh Precinct—From Prytania to woods, and from Napoleon avenue to Peters avenue.

ART. 288. Fourteenth Ward.

First Precinct—From river to Prytania, and from Peters avenue to Nashville avenue.

Second Precinct—From Nashville avenue to Lowerline, and from river to Prytania.

Third Precinct—From Prytania to St. Charles, and from Peters avenue to Lowerline.

Fourth Precinct—From Peters avenue to Lowerline, and from St. Charles to lake.

ART. 289. Fifteenth Ward.

First Precinct—From Patterson to Delaronde, and from river to Verret avenue.

Second Precinct—From Delaronde to Market, and from river to Verret avenue.

Third Precinct—From Patterson to Alix, and from river to Verret.

Fourth Precinct—From Patterson to Alix, and from Verret to Verret avenue.

Fifth Precinct—From Alix to Market, and from Verret to Verret avenue.

Sixth Precinct—From Market to Lapeyrouse, and from river to Verret avenue.

Seventh Precinct—From Lapeyrouse to Olivier, and from river to limits.

Eighth Precinct—From Patterson to limits, and from Verret to Olivier.

Ninth Precinct—From river to limits, and from Olivier to cutoff.

ART. 290. Sixteenth Ward.

First Precinct—From river to Pearl, and from Lowerline to Carrollton, or Canal avenue.

Second Precinct—From Pearl to Third, and from Lowerline to Carrollton, or Canal avenue.

Third Precinct—From Third to woods, and from Lowerline to Carrollton, or Canal avenue.

ART. 291. Seventeenth Ward.

First Precinct—From river to Fourth, and from Carrollton avenue to Upperline.

Second Precinct—From Fourth to Eighth, and from Carrollton avenue to Upperline.

Third Precinct—From Eighth to woods, and from Carrollton avenue to Upperline.

BUILDINGS AND THEIR CONSTRUCTION.

SEE FIRE ESCAPES AND FIRE LIMITS.

Certificate of
City Engineer.
Ord. No. 6533,
C. S., July 5,
1892.

Plans and
specifications.

Names and
residences of
owner or own-
ers must ac-
company plans.

ART. 292. That no building shall be erected, or its erection commenced, or any alteration made in any building already erected, or hereafter to be erected, when such buildings or alterations shall cost more than thirty-five hundred dollars (\$3500), unless plans and specifications or a copy thereof, together with the contract cost of such building or alteration, shall have first been submitted to the City Engineer, and a certificate of approval and a permit granted by him therefor. It shall be the duty of the City Engineer, without unreasonable delay, to issue such certificate when such plans and specifications conform to this ordinance. All plans submitted for approval, whether for alterations or new buildings, must be drawn to a proper scale in a legible manner and show foundations, front and side elevation, and all upper walls, and all such piers, chimneys, flues, columns, girders and supports, as are intended to be used, and such other sections and elevations as may be required, to clearly indicate and represent the construction of the proposed work. No plans will be considered unless accompanied by the specifications, and such specifications must be written in a legible manner, and must conform strictly with law and with the plans accompanying them, and must have the names and residence of the owner, or owners, architect and builder or contractor, and must set forth, clearly and fully, the location of the building to be erected, or the building whereon alteration or repairs are to be made.

Record.

ART. 293. Whenever a permit shall have been granted by the City Engineer for the erection of any new building, or the alteration of any existing building, he shall make a record of such permit, describing the exact location and cost of each building or alteration.

Permits.

ART. 294. (2) If such building or alteration cost less than thirty-five hundred dollars (\$3500) a permit must

be first obtained from the City Engineer, as provided in paragraph 3 of this section.

ART. 295. (3) The following rates shall be charged by the City Engineer for permits for all buildings, repairs, etc. :

Charges for
permits. 1b.

For the erection of any building costing less than \$750, \$0.50.

For the repairs or erection of any building costing from \$750 to \$1250, \$1.

For the repairs or erection of any building costing from \$1250 to \$1750, \$1.50.

For the repairs or erection of any building costing from \$1750 to \$2250, \$2.

For the repairs or erection of any building costing from \$2250 to \$2750, \$2.50.

For the repairs or erection of any building costing from \$2750 to \$3250, \$3.

The rate to be one-tenth of one per cent. on the certified cost, the rate of charge to vary at fifty cents, according to the proximity to said rate of one-tenth of one per cent.

ART. 296. The certified cost shall be the whole of the contemplated repair or improvement, including all foundations, piles, concrete, plumbing, gas fitting, paving, interior and exterior finish, painting, etc., all complete, which cost shall be sworn to by the owner, or his authorized agent, or builder or architect, before a competent officer.

Certified cost.
1b.

ART. 297. No charge shall be made for the alteration, repair or enlargement of any building already erected when the cost of such alteration, repair or enlargement shall be less than seven hundred and fifty dollars (\$750).

No charge
under \$750. 1b.

ART. 298. (3) " He who first builds in this city in a place which is not surrounded by walls may rest one-half of his wall on the land of his neighbor, provided he build with stone or bricks, at least as high as the first story, and not in frame or otherwise; and provided the whole thickness of this wall does not exceed eighteen (18) inches, not including the plastering, which must

Party walls.

not be more than three (3) inches. But he can not compel his neighbor to contribute to the raising of this wall." (C. C. 675.)

How constructed.

ART. 299. All walls hereafter built in the city of New Orleans shall be so constructed that the centre of the walls shall be directly over the centre of the foundation.

Mortar.

ART. 300. (4) All mortars used in the construction of brick or stone work shall be made of good lime or cement and sand properly manipulated and in proper proportions. No loam or river sand shall be used.

Brick walls.

ART. 301 (5) All brick walls hereafter erected in the city of New Orleans shall be so constructed as to conform to the following table of stories, minimum thickness and maximum heights, to-wit:

Number of stories	Thickness of walls.							Height of walls, feet.	
	1	2	3	4	5	6	7		8
1....	13 in.								18 "
2....	13 in.	13 in.							36 "
3....	13 in.	13 in.	13 in.						52 "
4....	18 in.	18 in.	13 in.	13 in.					65 "
5....	18 in.	18 in.	18 in.	13 in.	13 in.				78 "
6....	22 in.	18 in.	18 in.	18 in.	13 in.	13 in.			90 "
7....	22 in.	22 in.	18 in.	18 in.	18 in.	13 in.	13 in.		102 "
8....	22 in.	22 in.	22 in.	18 in.	18 in.	18 in.	13 in.	13 in.	114 "

These heights not to include the fire wall.

Stone walls.

All stone walls shall be four inches (4 inches) thicker than as above provided for brick walls.

Buildings, six or more stories.

All buildings of six or more stories in height shall be of mill or fire-proof construction.

Buildings more than eight stories.

The height and thickness of walls of buildings more than eight (8) stories high shall be subject to the special approval of the City Engineer.

Stone walls.

ART. 302. (6) All stone walls less than twenty-four inches (24) thick shall have at least one header extending through the walls in every three feet (3) in height from the bottom of the wall, and in every four feet (4) in length; and if over twenty-four inches (24) thick, shall have one header for every six (6) superficial feet on both sides of the wall, and running into the wall at least two feet (2); all headers shall be at least eighteen inches (18) in width and eight inches (8) thickness. In every brick wall every fourth course of brick shall

be a heading course, except where walls are faced with different brick, in which case every fifth course shall be bonded into the backing by cutting the corner of the face brick and putting in diagonal headers behind the same, or by splitting the face brick in half and backing the same by a continuous row of headers. In all walls which are faced with thin ashlar anchored to the backing, or in which the ashlar has not either alternate headers and stretchers in each course, alternate heading and stretching courses, the backing shall be of hard burnt brick, and shall be laid up in cement and sharp sand. All heading courses shall be good, hard, perfect brick.

Brick walls

Backing of
all walls.

ART. 303. (7) In all buildings where the walls are built hollow, each wall shall be nine inches (9) thick, for two story buildings; thirteen inches (13) thick for first two stories of three, four and five story buildings, balance nine inches (9) thick; seventeen inches (17) thick for first two stories of six and seven story buildings; thirteen inches (13) for next story, and nine inches (9) for balance of wall. No hollow walls shall be built unless the two walls forming the same shall be connected by continuous vertical ties of the same material as the wall, and not over twenty-four inches (24) apart. The height of all walls shall be computed from the grade level. No swelled or refuse brick shall be allowed in any wall or pier; and all brick used in the construction, alteration or repair of any building or any part thereof, shall be good, hard, well-burned brick, shall be well wet at the time they are laid, except in freezing weather, when they shall be laid dry.

Hollow walls
Ib.

ART. 304. (8) In no case shall the side, end or party wall of any building be carried up more than two stories in advance of the front and rear walls. The front, rear, side or party walls of any building hereafter to be erected shall be anchored to each other every six feet (6) in their height by tie anchors, made of one and a quarter inch by three-eighths inch ($1\frac{1}{4} \times \frac{3}{8}$) wrought iron. The said anchors shall be built into the side or party walls not less than twenty-four inches (24), and into the front

Front, rear
and party walls
to be anchored.
Ib.

and rear walls at least one-half the thickness of the front or rear walls, so as to secure the front and rear walls to the side wall, and all stone used for the facing of any building, except where built with alternate headers and stretchers, as hereinbefore set forth, shall be strongly anchored with iron anchors in each stone, and all such anchors shall be let into the stone at least one (1) inch.

Side or party
wall, how
anchored.

ART. 305. The side or party walls shall be anchored at every tier of beams to every fifth beam by wrought iron not less than three-eighths ($\frac{3}{8}$) by one and three-quarters inch ($1\frac{3}{4}$) ($\frac{3}{8} \times 1\frac{3}{4}$), and with a lip on end of anchor notched in the wood, and the anchor spiked to the beam by not less than two (2) spikes. The portion of anchor going into the wall to be split and the split portion to be eight (8) inches long. Where the floor beams are supported by girders in such manner that the floor beams rest on the top of girders, they shall extend full width of girder and be spiked together. Where it is impracticable to rest beams on top of the girder, they will butt against the girder and be thoroughly secured thereto by wrought iron straps, in such manner as may be approved by the City Engineer, and every fifth beam will have a strap placed on top of beams connecting same together and spiked thereto.

Joists or
timbers.

ART. 306. All joists or timbers shall be splayed so as to have the upper edge flush with the inside face of the wall.

Plate irons
and iron
anchors.

ART. 307. All plate irons shall be built into the side or party walls, and the iron anchors used to secure the plate pieces shall be at least two inches (2 inches) wide and one-half inch ($\frac{1}{2}$ inch) thick, and the anchors at the end of every plate piece shall be worked or built into the side or party wall of the building, and the said anchors shall turn down at least four inches (4 inches).

Cornices.

ART. 308. (9) No stone or iron cornice shall project more than the thickness of the wall on which it rests, unless made of sheet metal, and the stone shall run through said wall. Brick cornices shall be carried on stone or iron similarly extended through the wall. And in any case the greater weight of stone or iron, or other

metals, shall be on the inside of said line of said wall or walls.

ART. 309. (10) All discharging or arched pieces used in the chimney of any building hereafter erected or built in the city of New Orleans shall recede from any flue in the chimney at least 6 inches (6), and all chimney flues shall be lined with terra cotta lining from top to bottom.

Discharging or
arched pieces.
Ib.

ART. 310. In no building shall any wooden girder, beam or timber, resting on the walls, be placed nearer than eight inches (8) of any flue, whether the same be smoke, air or any other flue. No chimney shall be built against any piece of timber, nor shall any timber be used in the construction of any chimney flue. No plank or other combustible material shall be laid on chimney tops. No oven, furnace or forge shall be constructed against a partition wall unless a counter wall of masonry be made, provided that if a partition wall be made of brick or stone, a space of one foot (1) shall be left between, and if of pales or plank a space of four feet (4); and if any one shall find any chimney, oven, furnace, forge or apparatus so defective as to be dangerous, he shall make a report of same to the Mayor, who shall cause same to be examined, and satisfying himself of the dangerous condition of said chimney, oven, furnace, forge or apparatus, shall, in writing, direct the owner or his agent to repair or remove the cause of such danger within such time as he shall deem reasonable.

Chimneys and
their construc-
tion.
Ib.

Oven, furnace
or forge.

Dangerous
constructions.

ART. 311. (11) All buildings more than thirty-two feet (32) in width shall be built in such a manner that all the floors and roof thereof throughout their whole extent shall be supported by and rest upon one or more partition walls, or walls of brick or stone, and not less than twelve inches (12) thick, running from front to rear, or upon proper and sufficient posts, girders sustained by proper and sufficient pillars or columns of wood, iron, brick or stone, and so that through the whole extent of such floor or roof, and each of them, the said walls shall not be distant from each other or from such immediate support or supports of brick, stone or iron, or wood,

Floors and
roofs of build-
ings more than
32 feet in width.
Ib.

more than thirty-two feet (32), except when the joists are supported by trusses or truss rods; provided, such immediate support or supports may be wooden posts or pillars. Provided further, that this section shall not apply to churches, libraries, armories, theatres and other public buildings.

Floors of residences.

ART. 312. Floors of all residences to be calculated to carry a dead load of eighty pounds (80 lbs.) per square foot, and floors of all office buildings to be calculated to carry a dead load of one hundred and twenty-five pounds (125 lbs.) per square foot. Floors of all stores and

Stores and warehouses.

warehouses to be calculated to carry a dead load of two hundred and fifty pounds (250 lbs.) per square foot. All calculations of the strength of floors and of material for the construction of buildings to be with a factor of five.

Unlawful to load floors in excess of ordinance.

ART. 313. It shall be unlawful for occupants of stores or warehouses to load the floors in excess of that which is calculated to be a safe load for the floors to carry as provided in this section.

Scuttle frames or scuttle doors

Ib.

ART. 314. (12) All scuttle frames or scuttle doors on every building required by law to have a fire-proof roof, hereafter to be erected in the city of New Orleans, shall be made or covered with copper, zinc, tin or iron, and every window and entrance above the first story in the rear of every storehouse over thirty feet (30 ft.) in height to the peak or highest part thereof from the level of the sidewalk, shall have shutters and doors thereon, made of copper or iron, or other fire-proof materials. All build-

Shutters, opening of.

ings having iron shutters on front of same shall have one or more of them provided with such arrangement for opening same from the outside as shall be approved by the Chief of the Fire Department and the City Engineer.

Roofs, top and sides of dormer windows to be covered with fire-proof materials

Ib.

ART. 315. (13) The planking or sheathing of the roof of every brick or stone dwelling, store, storehouse, or other building, in the fire limits so erected or built as aforesaid, shall in no case be extended across the party or side walls thereof, and every such dwelling, store, storehouse, or other building, and the top and sides of

the dormer windows thereon shall be roofed and covered with slate, iron, copper, tin, zinc, or other fire-proof material.

ART. 316. (14) All beams or other timber in the party, or other walls of any dwelling, store, storehouse, or other building, hereafter built or erected of brick or stone in this city, shall be separated from the beams or timber entering into the opposite side of such walls by the distance of at least eight (8) inches between the nearest points of such beams or timbers, and when necessary said walls shall be corbelled out to receive such beams.

Beams or other timbers of party walls to be separated.
Ib.

ART. 317. All side, rear or party walls of such buildings shall be built up and extended at least four (4) feet above the planking or roofing, and shall not be less than thirteen (13) inches thick, if brick, and seventeen (17) inches thick, if stone; which said fire wall shall be laid in and covered with hydraulic cement and sharp sand; provided, no Mansard or French roofs shall be built within the fire limits of this city.

All side, rear or party walls to extend above roofing.
Ib.

ART. 318. (15) No front, rear or other wall of any such dwelling, store, storehouse or other building now erected, or hereafter to be erected, as aforesaid, within the city, or any brick or stone building or buildings in the city, shall be cut off or altered below to be supported in any manner in whole or in part by wood, but shall be wholly supported by brick, stone or iron; and no wood or timbers shall be used between such wall and such supporters; nor shall any wood or timbers be used or bedded in any wall.

Buildings, etc., cut off to be supported by brick, stone or iron.
Ib.

ART. 319. (16) The gutters to all buildings whereon fire-proof roofs are required shall be made of tin, copper, zinc or other non-combustible material, and they shall be firmly secured to the building by irons.

Gutters.

ART. 320. (17) No steeple, cupola, spire or tower shall be erected on the top of any building in the fire limits unless the same be covered with non-combustible material.

Steeple, cupola, spire or tower.

ART. 321. (18) All rooms to be built for sleeping apartments shall have at least five hundred (500) feet

Sleeping apartments.

cubic contents for each person therein, and must communicate with the open air by a glazed and movable opening of at least ten (10) square feet area.

Hatches,
hoistways, etc.,
to be secured.

ART. 322. The occupant or occupants of any store, storehouse, manufactory, or other buildings, in which hatchways or hoistways, or openings of any kind, except the usual stairways, are used throughout any or either floor thereof, or in case the said building or buildings are unoccupied and not leased, the owner or owners thereof, and in case they are leased, the lessee or lessees thereof, shall cause the said hatch, hoistways or other openings to remain closed or protected by a railing at least three feet (3) high, and to be opened only when needed for the passage of merchandise, and the said owner, lessee or agent shall cause the same to be securely shut, closed and fastened at the close of each day.

Duty of City
Engineer.

ART. 323. (20) The City Engineer shall examine, or cause to be examined, all buildings in the course of erection, alteration or repair, and inquire into any and all violations of the laws regulating the erection, alteration or repair of buildings, and shall forthwith report in writing to the Mayor any such violations of the laws as he may discover, together with the street and number of the building upon which the violations are found, and the names of the owners, agents, lessees or occupants, and the builders and architect, or the artisan or tradesmen who may be guilty, for such violations; and further, he shall report the nature of the violation of law and all matters relating thereto, and the Mayor shall immediately take action to enforce the observance of these ordinances and the law thus violated, and to proceed also to recover any and all fines imposed for such violation.

Dangerous
buildings.

ART. 324. (21) Whenever any wall, building, staging or other structure in this city shall be so unsafe as to be dangerous to human life or limb or property, the Commissioner of Public Works shall, with the approval of the Mayor, be authorized to instantly demolish and remove the same, after having first given the owner of

such building or his agent notice to remove said danger within three (3) days, and on his failing to do so.

ART. 325. Any expense incurred in the enforcement of the foregoing section shall be borne by the party owning the said unsafe wall or structure, which sum or sums expended in such demolition or removal above provided for, together with attorney's fees, shall be recoverable before any court of competent jurisdiction, and the judgment of said court to constitute a first lien and privilege upon the property.

Expense attending demolition.
Ib.

ART. 326. (22) No superstructure shall be erected within the limits of the city of New Orleans until the lot is raised higher than the sidewalk, according to the lines and levels to be obtained from the City Engineer or his deputy.

Lots to be raised.
Ib.

ART. 327. No person shall build upon any lot or portion of ground in the city of New Orleans without first obtaining from the City Engineer a permit showing that the lot has been filled to the grade required as established by law.

Permit from City Engineer.
Ib.

ART. 328. The grade shall be from an established curb, sloping upward one-half ($\frac{1}{2}$) inch for every foot in width of banquette, front ledge or portion of lot of ground to be two (2) inches higher than inner edge of banquette, and surface of lot or portion of ground gradually ascending in grade one (1) inch to every ten (10) feet to the rear.

Grade of lots.
Ib.

ART. 329. Should it be represented that it is impossible to obtain the filling for the proper grading of lot according to above section, owing to high river or other cause, a permit will be issued on filing of a bond in a sum equal to the filling required to fill lot to grade at the rate of one (\$1) dollar per yard, to guarantee the proper grading when filling can be obtained. When lot is properly filled, the bond to be canceled.

Filing bond to fill.
Ib.

ART. 330. The portion of lot to be filled to embrace the whole area within fences.

ART. 331. The Board of Health to have authority to withhold permits on unfilled lots in cases where ponds or filth exist where the material proposed to be used as

Powers of Board of Health in withholding permits. filling is sanitarily unfit therefor, where the drainage proposed to be established is insufficient to properly drain the premises, or for any other unsanitary cause prejudicial to the public health, and to that end all existing ordinances concerning sanitation of such premises are hereby continued in full force and effect, and are not to be considered as repealed by this ordinance.

Ord. No. 6042,
C. S.
Aug. 30, 1892.

Provided, that the preceding part of this Article 4 of this section shall also apply to this clause as amended.

Sills of frame buildings. ART. 332 (23) All frame dwellings hereafter erected, or whose superstructure or frames are hereafter repaired, shall not have the upper portion of their joists less than three (3) feet from the surface of the ground.

Ord. No. 6533,
C. S.

Water supply. ART. 333. All buildings hereafter erected within this city shall be provided with a healthy supply of water, not less than five hundred (500) gallons for each room in said building. Provided, the aggregate capacity of cistern capacity shall be not less than twenty-five hundred (2500) gallons.

Ib.

Cisterns to be covered. ART. 334. All cisterns, the water of which is used for drinking or culinary purposes, shall be provided by the owners thereof with suitable covers.

Chimneys of forges and furnaces. ART. 335. (24) The chimneys of all forges and furnaces connected with steam engines, used in factories of every description, and other establishments, shall be carried up at least twenty (20) feet above the highest peak or portion of any building within a radius of one hundred (100) feet from said factory or establishment, and all such chimneys shall have caps on them so constructed as to prevent cinders and soot from falling upon neighboring houses.

Ib.

Debris to be removed. ART. 336. (25) Where any debris remains in any lot or on the banquette contiguous in this city, resulting from a fire or in the demolition or partial demolition of any building on such lot, it is hereby made the duty of the owner or his agent of the property to remove, or cause to be removed, from the sidewalk and street, all such debris within six (6) days after a notice served upon him by the Commissioner of Public Works or his

assistant, and to place such debris in such manner on his lot as not to be dangerous.

ART. 337. Builders, in the repairing, construction and erection of buildings in the city limits, shall use one-half of the banquette and one-third of the street for the piling of material to be used in the construction of such building. During the construction of such building the contractor shall maintain free and clear one-half of the width of the banquette, and shall protect pedestrians by placing a wooden awning over the whole banquette.

Use of street
and banquette.
Ib.

ART. 338. (26) From and after the passage of this ordinance no person shall set up or use a stove, any portion of which shall be within two feet (2) of any part of the woodwork or walls, partitions or floors of any building within the limits of the city without protecting such woodwork with metallic covering so as to effectually protect the same from fire.

Stoves.

Ib.

ART. 339. In all cases where a stovepipe projects or passes through the roof, partition or wall of any building, a part or the whole of which may be wood, the pipe shall be supported from such roof or woodwork at least six inches (6) by sheet iron or other non-combustible materials, and shall project above or beyond the roof or wall of the building, as the case may be, at least three feet (3).

Stovepipe.

Ib.

ART. 340. No stovepipe shall be allowed to project over any sidewalk or into any street.

ART. 341. (27) It is made the duty of the owner or his agent of any building in the city of New Orleans having a balcony extending over any portion of the banquette to provide such balcony with a metal gutter attached to the outer edge and leading into a metal down-pipe leading across the banquette into the street gutter; provided, when said balconies are entirely covered by roof, the gutter shall be attached to the said roof in the manner above described.

Balcony.

Ib.

It is further made the duty of the owner or his agent to keep the gutters in such repair as to prevent leakage and drippings on the sidewalks.

**Gutters across
banquettes.** ART. 342. All gutters across the banquette shall be of
 1b. covered gutters approved by the City Engineer, or of
 proper size drain pipe. No awning or balcony shall
 drain direct into the street, and all buildings now hav-
 ing balconies or awnings draining directly into the street
 shall be required within ten days from the passage of
 this ordinance to provide the necessary gutters to con-
 vey the water, as provided in this section.

**General penal
clause.** ART. 343. (28) If the owner or owners of any lot or
 1b. portion of ground whereon any building is to be con-
 structed or erected, or of any building erected whereon
 repairs, alterations or additions are to be made, shall be-
 gin such construction or alteration, etc., without having
 first obtained the certificate required in section one of
 this ordinance, he shall be deemed guilty of a misde-
 meanor and he shall be subject to a fine of not less than
 five (\$5) or more than twenty-five (\$25) dollars, and for
 each day he persists in such violation shall constitute a
 new offence, and on his failing to pay said fine he shall
 be imprisoned in the parish prison one (1) day for each
 dollar of the fine imposed.

ART. 344. If, after obtaining permit therefor, any
 owner of lot or portion of ground on which a building
 is to be erected or owner of any building which is to
 be repaired shall fail to construct or repair his building
 which is to be repaired, in accordance with this ordi-
 nance, or whosoever shall violate any of the provisions
 of this ordinance, shall be deemed guilty of a misde-
Penalty. 1b. meanor and said owner shall be subject to a fine of not
 less than five (\$5) nor more than twenty-five (\$25) dol-
 lars for each and every violation of these laws, and each
 day's persistence in said violation shall constitute a
 new offence, and the owner or owners or his or their
 agent shall be notified by the Mayor to correct said
 faulty construction to conform to the provisions of this
 ordinance; on his or her failure to do so in addition to
 the above penalties, proper action will be taken to pre-
 vent his persistence in such faulty construction and
 such fault shall be repaired or the work demolished at
 the owner's expense.

On his failing to pay said fine or fines he shall be imprisoned in the parish prison one (1) day for each dollar of the fine imposed.

ART. 345. (29) The duties or powers herein imposed or conferred on the City Engineer can be delegated by him to such assistants as are hereinafter provided for. Assistants to be appointed by City Engineer.

The City Engineer shall, by and with the advice and consent of the City Council, appoint one or more Assistant City Engineers, who shall also be a practical and theoretical architect, whose exclusive duties shall be to properly enforce the provisions of this ordinance.

The City Engineer shall have general supervision of this department, which is hereby made part of his office, and he shall have power to remove his assistants for incompetency, malfeasance in office, or their failure to do and carry out the duties devolving upon them by virtue of this ordinance.

ART. 346. The salary of such assistants is hereby fixed at one hundred and fifty dollars (\$150) per month. Salary of assistants.

ART. 347. (30) It is further made the duty of the City Engineer and his deputies to see to the proper enforcement of this ordinance, and to make affidavit for any violation of it, and to notify the Mayor of same. In case the violation is such as to give rise to civil action, the Superintendent of Police and the City Engineer and his deputies, as provided above, shall report the facts to the Mayor. City Engineer and assistants to enforce Ordinance.

ART. 348. Any owner or other party interested who shall feel aggrieved by or dissent from the rulings of the City Engineer shall have the right to appeal to the City Council for relief. Appeal to City Council. Ib.

ART. 349. All public buildings, and every building hereafter erected, the height of which exceeds seventy feet, shall be built fire-proof, that is to say, shall be constructed with walls of brick, stone, iron or other hard incombustible materials, in which timber lintels or bond timbers shall not be placed, and in which the floors and roofs shall be of materials similar to the walls. Public and private buildings 70 feet in height. Ord. No. 8316, C. S. Nov. 14, 1893.

Stairs. **ART. 350.** The stairs and staircase landings shall be
Ib. built entirely of brick, stone, iron or other hard incombustible materials.

Fire-proof. **ART. 351.** No woodwork or other inflammable material
Ib. shall be fitted in any of the partitions, furrings or ceilings in any of such fire-proof buildings, excepting, however, the doors and windows and their frames, the trims, casings, interior finish and the floor boards and sleepers directly thereunder may be of wood.

Rules **ART. 352.** In all fire-proof buildings hereafter constructed the following rules must be observed:
Ib.

Rule 1. All iron columns shall be made true and smooth at both ends and shall rest on cast-iron bed plates and have cast-iron caps, which shall also be made true.

All XX iron trimmer beams, headers and tail beams shall be suitably framed and connected together, and iron girders, columns, beams, trusses and all other iron work of all floors and roofs shall be strapped, bolted, anchored and connected together, and to the walls in a strong and substantial manner.

Rule 2. Under the ends of all iron beams, where they rest on the walls, a stone or cast-iron template must be built into the walls, said template to be eight inches wide in twelve-inch walls, and in all walls of greater thickness to be twelve inches wide, and such templates, if of stone, shall not in any case be less than twelve inches long.

Rule 3. All brick or stone arches placed between iron floor beams shall be at least four inches thick and have a rise of at least one and a quarter inches to each foot of span between the beams. Arches over five feet span shall be properly increased in thickness, as required by the Inspector of Buildings, or the space between the beams may be filled in with sectional hollow brick of burnt clay or some equally good fire-proof material having a depth of not less than one and a quarter inches to each foot of span, a variable distance being allowed of not over six inches in the span between the beams.

Rule 4. The said brick or burnt clay arches shall be laid to a line on the centres with close joints filled with cement mortar, to proportions of not more than three of sand to one of cement by measure. The arches shall be well grouted.

ART. 353. (3) In no case shall the steps of buildings extend on the sidewalk more than twenty-four inches, under a penalty of five dollars for every day this provision shall be violated, after notice from the Street Commissioner.

Front steps.
Ord. No. 3192,
O. S.
Dec., 1856.

ART. 354. (4) All persons are forbidden to construct, or cause to be constructed, any door or window projecting more than twelve inches on the street in front of their building, and it shall be the duty of all householders and tenants of buildings, the doors and shutters of which open on the street, to hook or otherwise secure the same, so as to prevent accidents and not obstruct the passage on the sidewalks. All persons violating the provisions of this section shall be fined not less than ten dollars for each offence, and five dollars for every day the offence shall continue after notice.

Windows and
shutters. Ib.

Penalty.

ART. 355. That it shall not be lawful to erect, and all persons are forbidden to erect or cause to be erected, any building whatever upon property that has been filled with excavated earth from canals, unless same has been previously exposed to the action of the atmosphere for at least one year, it being understood that this does not apply to fresh soil excavated from new canals.

Lots filled with
excavated
earth from
canals.
Ord. No. 3556,
C. S.
Feb. 12, 1889.

ART. 356. That any person who shall be found guilty before the Recorder of the district in which the offence is committed, of any violation or evasion of this resolution, shall be fined not less than five dollars nor more than twenty-five dollars, or imprisonment for not less than ten days nor more than thirty days, at the discretion of the court.

Penalty. Ib.

ART. 357. That the proprietor or proprietors of all buildings in the city of New Orleans, having iron shutters on their windows, shall cause to be attached to at least one shutter on each window on each story thereof some device or apparatus as required by the aforesaid acts of

Iron shutters
under Act 39 of
1892, and Act
109 of 1884.
Ord. No. 7399,
C. S.
April 4, 1893.

the Legislature, and that the same shall be so applied in order that said shutters can be opened from the outside in case of fire, to secure immediate access to the building on fire.

ART. 358. That in case of failure to comply with the requirements of this ordinance, the owner or owners of said Penalty. or such building or buildings, or his or their agent, or representative, shall be subject, upon conviction thereof, of a fine not exceeding twenty-five dollars, and in default of paying said fine to imprisonment in the parish prison not exceeding thirty days. Ib.

ART. 359. That all previous ordinances or parts of ordinances on the same subject matter, be and the same are hereby repealed. Repealed clause. Ib.

FOR DEVICES FOR SHUTTERS—See *Fire Escapes*.

ART. 360. That the City Engineer be and he is hereby directed to deposit weekly with the City Treasurer, through a receiving warrant from the Comptroller, all moneys received by him for fees collected under Ordinance No. 6533, C. S., and that this fund shall be set aside and known as the Building Permit Fund, and is set aside for the payment of salaries of assistant engineers and necessary expenses incurred in the carrying out of the provisions of Ordinance No. 6533, C. S., and to be paid out on the certificate of the City Engineer, approved by the City Council. Deposit fees with Treasurer. Ord. No. 6677, C. S. Sept. 6 1892.

ART. 361. That Ordinance No. 3327, C. S., and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed; this ordinance to take effect from and after its promulgation. Repealing Ord. No. 3327, C. S. Ib.

BUDGET—See CITY CHARTER.

BURIALS AND BURYING GROUNDS—

See CEMETERIES.

CABLE TOWERS—See TOWERS.

CLAIMS AGAINST THE CITY—See CITY DEBT.

CAMP AND COLISEUM STREET CULVERT—

See STREETS—DRIVES—OFFENCES.

ART. 362. (1) That it shall be unlawful for any person or persons to ride or drive any horse or any animal, or wagon, cart, carriage or vehicle of any kind on the Camp and Coliseum street culverts, from Felicity street to Erato street, except when crossing at intersections, under penalty of a fine of from five to twenty-five dollars, or imprisonment in the parish prison for from five to twenty-five days.

Camp and Coliseum streets culvert.

Ord. No 7656,
A. S.
April 18, 1882.

Penalty.

CANALS AND BASINS — BRIDGES AND SHELL ROADS.

ART. 363. (1) That from and after the passage of this ordinance it shall not be lawful for any person or persons, except the keeper or keepers appointed by the city, or the private keeper who may be appointed by a railroad company, to open any of the bridges over the canals of the city.

Opening of bridges.
Nov. 1878.
A. S. 4762.

ART. 364. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4953,
C. S.
Dec. 16, 1890.

ACT NO. 67—APPROVED MARCH 27, 1873.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That the city of New Orleans shall have the right to construct and maintain a turning bridge across the New Orleans canal and Broad street for such length of time as the city may desire it, the bridge to be one hundred to one hundred and twenty feet in length, supported in the centre by proper pivot and turn-table, with an opening each side of from forty to fifty feet.

CANAL CARONDELET AND BAYOU ST. JOHN.

Schooners,
Ord. 3395,
Collen's Digest

ART. 365. (2) The whole part of Basin Carondelet, fronting Basin street, between St. Peter and St. Louis streets, is especially appropriated for the landing of schooners and other crafts, all resolutions to the contrary notwithstanding.

Not to land
bricks, etc.

ART. 366. It shall not be lawful for any master or owner
1b. of any schooner or craft whatever, landing at the Basin Carondelet, to land or suffer to be landed, within the whole part of said basin, fronting on Basin, between St. Louis and St. Peter streets, any lot of bricks, shells or firewood, under penalty of a fine of twenty-five dollars, recoverable before the Recorder of the district, or any other competent magistrate, from each owner or master of any schooner or craft violating the foregoing resolution.

Cargo landed
in contraven-
tion of ordi-
nances.

ART. 367. Any person owning any lot of bricks, shells or firewood landed within the aforesaid space in contra-
1b. vention to the aforesaid resolution, shall be liable to the aforesaid fine of twenty-five dollars for each and every day they shall neglect to remove or cause to be removed any such lot of brick, shells or firewood, which fine shall be recoverable before the Recorder or any other competent tribunal.

Lumber and
timber,
O. S. 3235,
Feb. 1867.

ART. 368. From and after the passage of this ordinance it shall not be lawful for any person to haul or draw out of the Bayou St. John across or over the protection levee built by the city along said bayou, any lumber or timber whatsoever, except as hereinafter provided, under the penalty of fifty dollars for each and every contravention of this article.

Place over
which to haul
lumber.

ART. 369. It shall be the duty of the Surveyor to designate one or more places at which timber or lumber
1b. may be hauled or drawn out of the Bayou St. John. And it shall be the duty of all persons desiring to haul or draw timber or lumber out of said bayou to cause to be made and built good and substantial slides, with proper recesses at the places so designated, upon which such timber, etc., may be drawn or hauled without in-

jury to the levee or road; said slides to be built under the supervision of the Surveyor. Any person violating the provisions of this section shall be fined fifty dollars; and further the sum of five dollars per day for any and every day such person shall fail to comply with the direction of the Surveyor.

Penalty.

BAYOU ST. JOHN SHELL ROAD.

ART. 370. An ordinance for the privilege of the right of way or franchise to establish a shell road along the west side of Bayou St. John, commencing at the bridge at Esplanade street to New York street, thence branch in direction towards Milneburg, through New York street, to London avenue, through London avenue to Frankfort street, through Frankfort street to Union street, through Union street to Columbia street, through Columbia street to Elysian Fields street in Milneburg.

Franchise.
Ord. No. 7929,
July, 1832.
Amended by
Ord. No. 7950.

Route.

ART. 371. The latter branch to cross the Bayou St. John at Mexico street, through Mexico street to May street, through May street to Dumaine avenue, through Dumaine avenue to Cass street, through Cass street to Orleans street, along the east side of Orleans street to Houston street, through Houston street to Milne street, across Milne street to Lake street, and through Lake street to the New Orleans Navigation Canal at West End.

Route. Ib.

ART. 372. (1) That the Administrator of Improvements be authorized to sell to the highest bidder for cash, after fifteen days' notice in the official journal, the lease of the privilege for twenty-five (25) years of constructing and maintaining shell roads on the above named highways and streets in the manner and upon the conditions herebelow set forth, the said adjudication to be subject to the approval or rejection of the City Council.

Administrator
of Improvements to advertise.
Ib.

ART. 373. (2) The said shell roads to be constructed by the contractor in the following manner, to-wit: All trees in the way of the routes above named to be uprooted and removed by the contractor and to be his property; a ditch to be dug on the inner side of the

Manner of construction. Ib.

shell road along the Carondelet Canal and the Bayou St. John, and two ditches, one on each side of all the above named streets, to be dug by the contractor; the said ditches to be (6) six feet wide at the top, (2) two feet wide at the bottom, and (4) four feet in depth below the grade to be established by the City Surveyor. The roadway between the canal and bayou on one side and the ditch on the other side and the roadway between the ditches, where there may be two ditches, to be filled up and graded according to the grades to be given by the City Surveyor, at a height of at least (18) eighteen inches above the highest storm water of Lake Pontchartrain, and to be (24) twenty-four feet wide. Twenty (20) feet in width in the middle of said roadway to be shelled with clean and sound lake shells in the following manner, to-wit: A layer of shells (6) six inches in thickness shall first be placed and rolled with a (6000 lbs.) six thousand pounds roller three times; then a second layer of shells, also six inches in thickness, shall be placed and sufficiently rolled with the same roller as often as may be necessary and in such a manner that the whole of said shelling when made solid and completed shall be six inches in thickness.

Streams to be
bridged.

All water streams to be covered over with bridges
Ib. similar in construction to those over the draining canals
in the city of New Orleans. The whole of said work to
be performed in accordance with the lines, grades and
City Surveyor. instructions to be given by the City Surveyor and to the
entire satisfaction of the City Surveyor and the Honorable the Administrator of Improvements.

Toll.

ART. 374. (3) The contractor shall have the right to
Ib. place toll-gates at each end of the road and to demand
and exact of persons traveling upon the same the following
tolls, to-wit:

For every person on horse or mule back, 15 cents.

For every head of cattle, horse or mule, 10 cents.

For every vehicle drawn by one horse, mule or cattle
kind, whether loaded or unloaded with merchandise of
any kind, 25 cents.

For every vehicle drawn by two horses, mules or cat-

the kind, whether loaded or unloaded with merchandise of any character, 50 cents.

For every vehicle drawn by three or more horses, mules or cattle kind, whether loaded or unloaded with merchandise of any character, one dollar.

ART. 375. (4) The contractor to be bound to keep the road, ditches and bridges in good repair and condition during the continuance of his contract, and to keep the same properly lighted at night with oil or electricity, to be placed by him on the line of said road at distances of not more than (250) two hundred and fifty feet apart.

Maintenance.
Ib.

ART. 376. (5) The contractor to be bound to begin the work in the (10) ten days following the approval of the adjudication by the City Council, and to complete the same within five months thereafter.

When work to
commence.
Ib.

ART. 377. (6) The contractor to furnish good and solvent security in the sum of (\$5000) five thousand dollars to guarantee the faithful performance of his contract, the said security to be subject to the approval of the City Council.

Security.
Ib.

ART. 378. (7) It is well understood that in case of neglect or failure by the contractor to fulfil any part of the foregoing stipulations, the City Council shall have the right to annul the contract without putting the contractor in default, as required by Article 1905 of the Civil Code, and without applying to a court of justice to annul the same, and without indemnity, and it is also well understood that in case the contractor shall at any time fail to keep the road in good repair, or fail to keep all bridges on the roads in good order and condition, or fail to keep the same lighted at night, the said contractor shall forfeit all claims he may have to said road, and the city shall have the right to resell the privilege for account and risk of the contractor and of his security.

Annulling of
contract.
Ib.

Forfeiture of
franchise.

ART. 379. (8) The said road shall revert to the city free of charge at the expiration of said twenty-five (25) years' privilege.

Reversion.
Ib.

ACTS OF THE LEGISLATURE.

ACT No. 144.

To provide for the appointment of a superintendent and other officers for the New Basin Canal and Shell Road, to prescribe their duties and to fix their salaries, and to create a board of control for said New Basin Canal and Shell Road, and to prescribe their powers and duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, a board of control for the New Basin Canal and Shell Road, to be composed of five members, three to be chosen from the parish of Orleans, and two to be chosen from any two of the parishes of Ascension, Livingston, Tangipahoa and St. Tammany.

The members of said board of control shall serve for a term of four years, and until their successors are qualified, unless removed in the manner and for the causes hereinafter named.

A majority shall constitute a quorum. They shall elect one of their number as chairman, who shall serve as such during their pleasure, and their secretary shall be the book-keeper for the canal, who shall, in addition to his other duties, keep full and complete minutes of all proceedings of said board, which shall be open to the inspection of the public.

Said board shall have their domicile in the parish of Orleans, and shall have the capacity of suing. They shall represent the State in all matters pertaining to said New Basin Canal and Shell Road, and shall carefully and faithfully guard and protect all their rights and interests, and call upon the Attorney General as the legal adviser of the State, when necessary for advice and assistance. In any and all cases, where bond is required by law in legal proceedings, the said board of control shall be dispensed from giving such bond, and no court of this State, or officer thereof, shall demand of said board any deposit or security for costs, or any advance costs, but all costs for which said board may become liable shall be paid as other expenses of the Canal and Shell Road.

SEC. 2. *Be it further enacted, etc.,* That said board of control shall meet at least once a month, and may hold special sessions when necessary. The members shall serve without compensation, but those residing outside of the parish of Orleans may have their actual traveling expenses paid, as other expenses of the Canal and Shell Road; provided, that said actual expenses shall not exceed ten dollars per month.

SEC. 3. *Be it further enacted, etc.,* That in addition to the powers granted and the duties prescribed by other sections of this act, the said board of control shall have the general control and management of the said Canal and Shell Road. They shall direct all repairs and improvements made thereon, contract for necessary work and labor; contract for and purchase all necessary boats, machinery, material and supplies; examine and approve all claims against the Canal and Shell Road, and shall lease whatever property belongs to the Canal and Shell Road not necessary for their use, but no lease of said property shall extend beyond their terms of office without the advice and consent of the Governor.

SEC. 4. *Be it further enacted, etc.,* That there shall be appointed by the Governor, by and with the advice and consent of the Senate, to manage the same, a superintendent for the New Basin Canal and Shell Road, who shall hold his office for the term of four years, unless removed in the manner and for the causes hereinafter named. He shall give a bond in favor of the Governor, with good and solvent security, in the sum of ten thousand dollars, to be approved by the board of control, conditioned for the faithful performance of his duties and of the duties of all the officers and employees subordinate to him in the management of the affairs of said New Basin Canal and Shell Road, and he is hereby authorized to exact bond and security from such of his appointees as he may deem proper; provided, said bonds shall not be over and above one-half of the bond of the superintendent. The salary of the superintendent shall be eighteen hundred dollars per annum, payable monthly on his own warrant.

SEC. 5. *Be it further enacted, etc.,* That the superintendent shall have under his immediate control and supervision, except in so far as the same may conflict with the powers herein granted to and duties imposed upon said board of control, all the property and affairs of said New Basin Canal and Shell Road and their appurtenances, the government and management of the same, all responsibilities of their administration, and he shall faithfully see, under penalty of dismissal from office, that no person or business be given any undue advantage, preference or special privilege or be subjected to any disadvantage or discrimination, but that the affairs of said Canal and Shell Road shall be administered with perfect fairness and impartiality.

SEC. 6. *Be it further enacted, etc.,* That the superintendent shall be allowed for the management and control of the said New Basin Canal and Shell Road one harbor master, whose salary shall be seventy-five dollars per month; one book-keeper at a salary of one hundred dollars per month, who shall also be secretary of the board of control; one toll-gate keeper at a salary of forty dollars per month, with the toll-gate house for a residence; two bridge-keepers at a salary of fifty dollars each per month.

SEC. 7. *Be it further enacted, etc.,* That the employees enumerated in section 6 of this act, and all mechanics, laborers or other persons engaged in the performance of any duty on said Canal and Shell Road shall be chosen and appointed by the superintendent, with the consent and approval of said board of control, and said mechanics and laborers and other persons above mentioned shall be discharged by the superintendent for any want of capacity or other good cause at his pleasure, but the salaried employees above mentioned shall be discharged for want of capacity or other good cause by the superintendent with the consent of the board of control.

SEC. 8. *Be it further enacted, etc.,* That the bridge-keepers appointed by the authorities of the city of New Orleans to any bridge or crossing over the New Basin Canal shall, upon complaint of the superintendent to the Mayor of the city of any remissness of duty or wrong-doing in connection with his duty as bridge-keeper, be summarily removed from further service as such, and all such bridges shall be opened at any hour, both day and night, below Magnolia bridge.

SEC. 9. *Be it further enacted, etc.,* That the said board of control shall, without delay, cause to be provided by purchase or contract a suitable propeller or tug, of sufficient dimensions or power to perform all necessary towage through or in said New

Basin Canal, and the fees for such towage shall not exceed five cents per ton each way, payable at the office of said canal, at the time a vessel shall procure her pass for regular tonnage at twenty cents per ton, and that a ticket, separate from her regular pass, shall be delivered to said vessel, as evidence that said towage has been paid, and shall be delivered up together with the pass before passing through the toll bridge; provided, that all propellers or tugs towing their own barges or flats shall be exempt from all dues, provided they carry no freights, and provided, further, that all steamers or other vessels plying to the coast watering places may be permitted to enter said canal, and remaining below the present lower or outer canal bridge, to discharge or take on board her passengers or freights, shall pay only one cent per ton measurement, but shall pay the regular dues and tonnage on all barges used by them for moving their cargoes through said canal, but no vessel or water craft coming into said canal in stress of weather, or pleasure, or race yachts, shall be liable for any dues; provided, they remain below the said outer bridge.

SEC. 10. *Be it further enacted, etc.*, That all rafts of logs, or square or spar timber of any description, or fraction thereof, shall pay thirty cents per thousand feet, board measure, which includes towage and place of landing.

SEC. 11. *Be it further enacted, etc.*, That no lumber, wood, staves, brick, sand, shell or other articles of commerce, shall be allowed to remain upon the banks of the canal or basin for a longer period than fifteen days from the date of its discharge, under a penalty of having the same removed and stowed at such place as may be selected by the superintendent, at the risk and expense of the owners thereof, and the expense of such removal and storage shall constitute lien and privilege upon the articles removed and stowed, and the charges therefor shall be paid before delivery of the same, and if the owner or owners of the property removed and stowed shall fail, neglect or refuse to pay said charges within twenty days from the time said property is removed and stowed, the said board of control shall cause the same to be seized and sold, after ten days' advertisement, to pay said charges for removal and storage, and the costs of said seizure and sale. The said board of control and the said superintendent shall promptly, faithfully and impartially enforce the provisions of this section, and any failure or neglect on their part to enforce the same shall be a sufficient cause for their removal, and they shall be summarily removed by the Governor.

SEC. 12. *Be it further enacted, etc.*, That the canal shall be kept free from all obstructions whatever for the width of sixty feet; that all rafts of logs or of square or spar timber, or fractions thereof, and all timber of every description shall always be so placed as to leave the said width of sixty feet wholly unobstructed, and said logs and timber shall be kept securely confined within the basins or turnouts of the canal, or securely fastened to the banks of the canal and basins with chains of wire rope at each end of said logs or timber, and said logs or timber shall not be permitted to float loose or sink. Any log or piece of timber found loose or floating in the canal or sunk therein, or sunk in any of its basins, shall be immediately taken up by the authorities, and the owner or owners of said log or piece of timber shall pay to the canal a fine of two dollars, and if the owner of said log or piece of timber be unknown, the superintendent of the canal shall sell the said log or timber and place the proceeds to the credit of the New Basin Canal and Shell

Road fund. The owner or owners of any vessel which may be damaged by any log or piece of timber placed or kept in violation of the provisions of this section, or by any log or piece of timber floating in a manner herein prohibited, or sunken, shall recover from the owner or owners of said log or timber double the amount of damages suffered and costs, together with a reasonable amount for attorney's fees, to be recovered in any court of competent jurisdiction in the parish of Orleans, or at the domicile of the owner or owners of said logs or timber, as the plaintiff may elect.

SEC. 13. *Be it further enacted, etc.*, That no steamer nor sail vessel shall be permitted to steam or sail up or down said basin or canal; provided, however, that steamers may be permitted to steam up or down said basin or canal at a rate of speed not exceeding three miles per hour, and that such permission shall not be so construed as to release such steamers from the aggregate fees of thirty cents per ton admeasurement.

SEC. 14. *Be it further enacted, etc.*, That the rate of toll for travel on the shell road shall be as follows, viz.: For tricycles, bicycles and velocipedes, five cents; for a single horse or other animal, ten cents; for every one-horse vehicle, thirty cents; for double team, forty cents; one-half to be paid at either toll-gate in passing in the direction of the lake. Each toll-gate keeper shall make daily report of the number and character of the vehicles passing the toll-gates and pay over all money received by them to the superintendent daily, taking his receipt therefor; the superintendent shall adopt and have a system of checks by which the tolls received on the shell road are shown and verified, and it shall be the duty of said superintendent to examine the said checks at least once in every week, and satisfy himself that the toll-gate keeper has made full returns of the tolls collected by him. Any neglect of duty on the part of any toll-gate keeper shall subject him to summary removal. No horse, buggy, carriage or other vehicle shall be allowed to pass without paying the regular toll; provided, that actual residents at the lake end or residing on said shell road shall pass to and fro, free of charge, being first provided with a free pass from the superintendent, which shall in no case be transferred, under penalty of forfeiture. The canal authorities shall not be required to keep in repair the upper part of the shell road, and their failure to keep the same in good condition or repair the same shall not affect their right to demand and receive the rate of tolls herein fixed. The board of control may, if they deem proper, change said rate of tolls, and adopt any and all necessary regulations for the administration of said shell road.

SEC. 15. *Be it further enacted, etc.*, That the said superintendent shall, under the direction of the said board of control, proceed without unreasonable delay to repair and improve said canal and shell road, and he shall keep the said road in good condition and proper width, not less than twenty-five feet wide from Metairie ridge to the lake end of said road, and to dredge out said basin and canal and the bar at the entrance of the canal at the lake to the depth of not less than eight feet at low tide; said work of dredging may be done by contract or otherwise, as may be determined by the board of control; if by contract it shall be let out to the lowest bidder, after due advertisement of specifications, and if otherwise undertaken by the State, complete labor, pay rolls and itemized accounts of expenses and expenditures shall be kept and presented monthly as other vouchers or authorized expenditures. All material for the use

of the canal and shell road shall be purchased by the board of control or the purchase thereof authorized by them, and without their approval no purchase shall be made. All contracts, labor and otherwise shall be made by the board or by the superintendent, with their approval; all the expenditures shall be made by the board or by their authority; they shall keep itemized statements of all expenditures and of all purchases made on behalf of the canal and shell road, showing specifically the nature of such expenditures and the character of the purchases made, the prices paid therefor, and from whom purchased.

SEC. 16. *Be it further enacted, etc.,* That the salary of the superintendent and other officers and employees engaged in the working and management of said canal and shell road, all boats and machinery needed therefor, and every species of material required for repairs or improvements shall be paid for out of the said New Basin Canal and Shell Road fund by a warrant drawn thereon by the special order of said board of control, signed by its chairman and secretary, and countersigned by the said superintendent. No perquisites shall be allowed to be charged or received, directly or indirectly, by the superintendent, officers or employees of the canal and shell road, or by the members of said board of control, nor shall any of said persons or any member of said board be allowed to have any interest, direct or indirect, in any tugboat, towboat or dredgeboat used or employed by said canal, or in any purchase or contract made for material or supplies for said canal or shell road, or in any contract for their repair or improvement.

SEC. 17. *Be it further enacted, etc.,* That the superintendent shall have authority by this act, with the approval of said board of control, to make from time to time, such rules and regulations for the better government of steamers, schooners or other water craft, within the basin and canal, as shall seem to him best, for the place and manner of discharging cargoes, and the length of time all such water craft shall be allowed to occupy a place in the basin or canal, and for the better regulation of such employees as shall be engaged on the shell road and canal, not inconsistent with this act, and he shall, with the approval of the board of control, fix a penalty for every violation of such rules and regulations, to be collected in the manner and form laid down therein, and a copy of such rules and regulations shall be furnished to steamers, schooners and other water craft plying in said basin and canal, and all fines collected for violations of such rules and regulations shall be paid as other moneys into the New Basin Canal and Shell Road fund.

SEC. 18. *Be it further enacted, etc.,* That the office of the superintendent shall be the ticket office and office of the board of control, and located and kept at some convenient place on said New Basin Canal, for the transaction of the business thereof, and said office shall be kept open from half-past six o'clock A. M. until six o'clock P. M. daily (Sundays excepted).

SEC. 19. *Be it further enacted, etc.,* That the superintendent shall, in addition to the exhibits required of him in section 16 of this act, annually make a full and detailed report of all the operations and transactions had in the management of the said New Basin Canal and Shell Road, of the tonnage, towage, shell road travel, of the amounts received from every source daily, the expenses incurred, the extent and kind of every improvement, cost of the same, which report shall be transmitted to the board of control and by them to the Governor.

SEC. 20. *Be it further enacted, etc.*, That the Governor be and is hereby vested with authority to dismiss, upon the complaint of the board of control or of any other five respectable persons, verified by oath, the said superintendent of the said New Basin Canal and Shell Road from further service, for violation of any of the provisions of this act, incompetency, neglect of duty, absence without leave, intoxication, retaining subordinates or employees unfit for service, malfeasance in office, or for any other good and sufficient cause, and especially for any of the causes mentioned in section 18, after having investigated the charges and complaints made against said superintendent.

SEC. 21. *Be it further enacted, etc.*, That the Governor be and is hereby vested with authority to dismiss from office any member of said board of control for neglect of duty, intoxication, malfeasance in office, and he shall dismiss any member of said board for any violation of section 18 of this act.

LOCKS AND EMBANKMENTS.

ACT NO. 66—APPROVED MARCH 27, 1879.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened*, That the city of New Orleans, through its officers, shall have the right to construct such locks and side embankments as may be deemed suitable by the authorities of said city; provided, that the navigation of said canal be not impeded for a greater time than forty-eight hours, the width of the openings to be fifty feet; all the works necessary for said construction and the expense of future repairs and attendance to be at the cost and expense of the city of New Orleans. The gates shall remain open during such times as the lake water may be five feet six inches below the Metairie ridge, or twenty-five feet six inches below the datum line, being about ocean level for the city levels established by the City Surveyor's department. Whenever it shall become necessary to close the gates, vessels shall be passed through without unnecessary delay. The city of New Orleans shall also have the right to construct a double track turning-bridge on a line with the roadway of protection levee, across the New Orleans Canal and the Bayou St. John, the cost of construction and maintenance of which shall be borne by the city of New Orleans, and said bridge shall be promptly opened for the passage of vessels, subject to such regulations as the City Council may order.

CONSTITUTION OF 1879.

ART. 180. The New Basin Canal and Shell Road and their appurtenances shall not be leased nor alienated.

The General Assembly, at its first session after ratification of this Constitution, shall provide by law for a superintendent to be appointed by the Governor upon the recommendation of the captains and owners of vessels plying in, and of merchants doing

business on said canal, to manage the same; and shall enact laws for the regulation, maintenance and management of said canal and shell road; provided, dues shall not exceed ten cents per ton on the measurement tonnage of all vessels entering therein. The depth of water in the canal basin and on the bar at the mouth shall be kept at the depth of at least eight feet; provided, that all expenses of improving and maintaining said canal, shell road and appurtenances, including the wages and salaries of employees, shall be paid out of the revenues thereof, and not otherwise.

For compromise with Louis Gasquet for draining in Old Canal see No. 994, New Series. Approved August 28, 1868.

Ordinance No. 3235. Approved February 26, 1867.

Canal Company, New Orleans and Ship Island, for act of incorporation see Acts of 1868, No. 148, p. 185, and 1869, p. 49, No. 51.

CEMETERIES AND INTERMENTS.

Tomb materials. ART. 380. (3) All tombs must be built of the best kind of brick or stone, laid in mortar, with the proper proportion of the best cement and sharp sand and covered with bitumen on the ground floor of each tomb, with walls not less than nine inches in thickness, and plastered. All the tombs must be kept in good order, and it shall be the duty of the sexton to notify the owners thereof to have them repaired; otherwise it shall be done by the city at the expense of the owners, who shall be fined in a sum not exceeding fifty dollars.

Cemeteries of associations. ART. 381. (5) The various churches and associations owning cemeteries are authorized to use them under such regulations made by them from time to time as may not conflict with city ordinances.

Removal of rubbish. ART. 382. (6) All persons who may hereafter erect tombs or vaults within the public cemeteries shall be required to remove therefrom, immediately after the construction of a tomb or vault, all bricks, mortar, sand, lumber and other materials that may remain; and it is made the duty of the sexton to see this section of this ordinance enforced; and every person violating it shall be subjected to a fine of ten dollars for every offence.

Sexton. ART. 383. That all sextons shall inter, within the shortest possible delay, all deceased persons who may be
Ord. No. 1171,
C.S.
March 24, 1885.

conveyed to their respective cemeteries, in graves to be dug not less than three feet in depth, to be at a distance of at least two feet from each other, according to such limitation as shall be described by the City Surveyor, and in pursuance of such directions as they may receive from the Commissioner of Police and Public Buildings, or the City Council; and it shall be the duty of each of said sextons to keep a book, in which they shall insert, according to their dates, the name, sex, age, business and place of birth of each and every person they shall bury in the ground, or deposit in tombs; to take care that no damage be done to the tombs and fences, to prevent cattle and beasts from going into said cemeteries; to deliver daily to the Chief of Police a certified copy of the burials set forth on their books, whenever required by the Mayor or Council, and to deliver over to their successors said books. And in default, refusal or neglect on the part of any sexton to comply with any or all of the foregoing provisions he shall be fined by the Recorder having jurisdiction from five to twenty-five dollars for each and every offence, and in default of payment to imprisonment from five to thirty days in either the parish prison or police jail, at the discretion of said Recorder.

Duties of.

Penalty.

ART. 384. (2) That the price or charge for entombing and burying in each of the cemeteries belonging to the city of New Orleans shall not at any time exceed the following sums or rates of charges, to-wit:

Charges. Ib.

For every adult, in city ground, \$5, sexton's fee..	\$1 50
For every child, in city ground, \$2.50, sexton's fee	1 00
For charity adult	1 25
For charity child	75
For interments in tombs, vaults or graves of associations.....	3 00
For opening and closing of vaults, graves or tombs to be paid by owners thereof, for each opening and closing.....	5 00

ART. 385. (3) That all ordinances or parts of ordi-

nances in conflict herewith be and the same are hereby repealed.

GRAVES AND TOMBS.

Tombs, vaults. ART. 386. (24) No tomb, grave or vault containing
A. S. 6022. any dead body shall be opened without permission, in
June, 1870. writing, from the proper officers of the Board of Health,
Amended by and no human body or remains thereof, within the juris-
Ord. No. 507, diction of said board, shall be disinterred or disen-
C. S. tombed without its written authority, or be removed
 from or brought within the limits of the city of New
 Orleans without such authority first obtained.

Sextons' re-ports; when and how made. ART. 387. (25) Every sexton or other person having
Ib. charge of any cemetery, graveyard or burying-ground
 shall, on Monday of each week, before the hour of 9
 A. M., make a written report and hand the same into
 the office of the Board of Health; which said report
 shall contain the full name of each and every person
 buried in such cemetery, yard and ground during the
 seven days next preceding 6 o'clock P. M. of the last
 Sunday before making such report, together with a
 statement of the color, sex, age, nativity, the cause of
 death of such person, occupation, place of death, social
 condition and birthplace of parents; also what inter-
 ments were made in the ground and what interments
 in vaults or tombs, together with the numbers and owners
 of said vaults or tombs, and such other information as
 the Board of Health may from time to time require.

Within city limits. ART. 388. That it shall be unlawful hereafter for any
Ord. No. 5750. person or corporation to bury any human body within
C. S. the limits of the city anywhere outside of a duly author-
Nov. 10, 1891. ized public cemetery.

Penalty. ART. 389. That any person violating this ordinance
Ib. shall be punished by a fine not exceeding \$25, or im-
 prisonment not exceeding thirty days in default of pay-
 ment of the fine, and that all ordinances contrary to this
 ordinance be repealed.

Damaging tombs, etc. ART. 390. (12) Any person or persons who shall wan-
Ord. No. 3174, tonly damage and destroy the enclosures of any grave,
O. S. tomb or monument, or damage the tomb or fence of any

cemetery, shall be liable to a fine of not less than ten nor more than fifty dollars.

ART. 391. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4959,
C. S.
Dec. 16, 1890.

ART. 392. (13) Any person or persons who shall enter the cemeteries and be guilty of breaking the trees or shrubbery or defacing the tombs or committing any other depredations, or using any profane or improper language while on the premises, or sell or offer for sale any refreshments or fruits of any kind within said cemeteries, shall be liable to a fine each of not less than five nor more than twenty-five dollars for each and every offence.

Improper conduct in cemeteries.
Ord. No. 3174,
O. S.

ART. 393. (14) It shall be the duty of every person at whose domicile any person shall have died to cause the same to be buried within forty-eight hours after his death; and any person offending against this section of this ordinance shall pay a fine not exceeding one hundred dollars for each offence.

Burial of bodies.
Ib.

ART. 394. (15) No drays, carts, carriages or other vehicles shall be permitted to enter any cemetery.

Vehicles in cemeteries.
Ib.

ART. 395. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty.
Ord. No. 496C,
C. S.
Dec. 17, 1890.

ART. 396. (17) It is hereby made the duty of the

sheriff to give immediate notice to the Commissioner of Police and Public Buildings of the death of any prisoner or prisoners confined in the parish jail, and it shall be the duty of the said commissioner to have said bodies interred in the same manner as is provided for the indigent poor; provided, that in all cases the friends of the deceased shall have the privilege of burying them at their own expense.

Burial of prisoners.
Ord. No. 3174,
A. S.

ART. 397. (20) The sextons shall possess the power to cause to be arrested all persons who shall violate any of the provisions of the foregoing ordinance relating to cemeteries or interments.

See "Police."

ART. 398. (21) That a printed copy of the ordinance relative to cemeteries and interments be placed in a conspicuous position, at each entrance of all the aforesaid cemeteries within the incorporated limits of the city, for reference, at the expense of the sexton of each cemetery; and in case of neglect or refusal of the sexton in charge of such cemetery to comply with the provisions of this ordinance, he shall be liable to a fine of ten dollars per day for said offence, recoverable before any court of competent jurisdiction, for the benefit of the city.

Permission of Council to establish cemeteries.

ART. 399. (22) After the passage of this ordinance there shall not be established within the limits of this city any cemetery or depository of the dead, without first having obtained permission from the Common Council, under a penalty of twenty-five dollars per day for each and every day such establishment shall exist.

Repealing clause.

ART. 400. (23) All ordinances and parts of ordinances conflicting with the provisions of this ordinance and all ordinances on the same subject are hereby repealed.

Duty of sexton
6235 O. S.

ART. 401. (1) That the keepers of the several cemeteries within the city of New Orleans shall, before receiving for interment within their respective cemeteries any body of any deceased person, see that the requirements imposed by the existing laws of the State have been complied with.

ART. 402. (2) Every burial certificate shall bear the endorsement of the Recorder of Births and Deaths of the parish of Orleans, that such requirements of existing State laws have been fully complied with. Necessary certificates. Ib.

ART. 403. (3) Any keeper of any cemetery failing to comply with the requirements of the first section of this ordinance shall pay a fine of fifty dollars, to be collected in any court of competent jurisdiction, for the benefit of the city. Penalty against section. Ib.

ART. 404. (4) Any person who shall convey to any cemetery within the limits of the city of New Orleans the body of any deceased person, to be therein interred, without the certificate and endorsement required by the second section of this ordinance, shall pay a fine of fifty dollars, to be collected in any court of competent jurisdiction for the benefit of the city. Penalty to other offenders. Ib.

ART. 405. (5) The physicians of the city are hereby required to inform all persons applying for burial certificates that the same will not be received by the keepers of the several cemeteries of the city unless they shall have been endorsed by the Recorder of Births and Deaths of the parish of Orleans in accordance with section 2 of this ordinance. Duty of physicians.. Ib.

ART. 406. (8) From the effect of this ordinance are excepted the body or bodies of such person or persons who shall have died in the charity or marine hospital, in the army or navy, and all such as shall be ordered to be interred upon the production of the certificate of the Coroner. Exceptions. Ib.

ART. 407. (9) The Recorder of Births and Deaths shall procure monthly a list of such persons who shall have died in the charity and marine hospitals, and also of such as shall have been interred upon the production of the certificate of the Coroner, as mentioned in the preceding section of this ordinance, and record the same in the books of his office. Duty of Recorder of Deaths. Ib.

FIREMEN'S CEMETERY, FIFTH DISTRICT.

ART. 408. (1) That permission is hereby granted to the Firemen's Charitable Association of Algiers to establish

Establishing a cemetery. May, 1878. A. S. 4599. a cemetery in square No. 23, bounded by Webster avenue, Washington, Lapeyrouse and Socrates streets, in the Fifth District, the said cemetery to be conducted in strict accordance with existing ordinances.

Cemetery in Fourth Dist.

ART. 409. (2) Hereafter no person shall be buried in the ground of the cemetery, or the square comprised within Washington, Sixth, Prytania and Plaquemine streets, of the Fourth District, and in future no interments shall be made therein, except by persons owning lots, vaults or tombs; and further, that the St. Joseph Asylum, of the Fourth District, may use square No. 271 for burial purposes.

HOLT CEMETERY.

Establishing cemetery. April, 1879. A. S. 4996.

ART. 410. (2) That the Administrator of Police be and he is hereby authorized to lay off a lot of ground on the Lower City Park, at the intersection of the St. Louis and New Metairie road, and that said lot of ground be known as Holt Cemetery; and that the Administrator of Police be and he is hereby empowered to properly fence in said ground and have any other work done that may be necessary; provided, that the same does not amount to over \$500.

ISRAELITE CHARITABLE ASSOCIATION CEMETERY.

Israelite Charitable Association. Dec. 1856. O. S. 3174.

ART. 411. (3) Permission is hereby granted to the officers and members of the Israelite Charitable Association to open the square of ground No. 84, bounded by St. Louis, Bernadotte, Toulouse and Antoine streets, for the purposes of establishing a cemetery, provided the same be properly enclosed with a good and substantial brick wall; and provided further, that all ordinances and resolutions of the City Council which are now or may hereafter be passed by said Council relative to cemeteries be strictly complied with.

"LOCUST GROVE" CEMETERY.

ART. 412. (4) That the Mayor of the city be and he is hereby authorized to purchase of Ranon Marton a cer-

tain portion of land known as square No. 363, Fourth District, bounded by Sixth, Seventh, Magnolia and Locust streets; the same to be used for cemeterial purposes; provided, the titles be examined and approved by the City Attorney, and the cost do not exceed the sum of two thousand seven hundred and fifty dollars.

New cemetery,
1865.
O. S. 6339.

ART. 413. That square No. 363, bounded by Sixth, Harmony, Locust and Magnolia streets, be used for a burial ground, and to be known as the Locust Grove Cemetery No. 2.

Establishing cemetery.
Mar. 1877.
A. S. 3363.

That the Administrator of Police be and he is hereby authorized to enclose said square with a picket fence.

SEVENTH DISTRICT CEMETERY.

ART. 414. (5) That from and after the passage of this ordinance until further action by the Common Council, the price of lots in the Seventh District (late Carrollton) Cemetery shall be fixed at \$20 each.

Price of lots.
March, 1875.
A. S. 3951.
Ord. No. 979,
C. S.

ART. 415. That the Commissioner of Police and Public Buildings be and he is hereby instructed to execute this ordinance, and generally to provide such other regulations as may be necessary for the proper administration of the said cemetery.

Duty of Administrator of Police.
Ib.

See Ordinance, A. S., Nos. 1217, 3051, 3863, 3996, 4446, 4509, 4588, 4751, 4996, 6829, 7301.

VALENCE CEMETERY.

ART. 416. (6) That the Administrator of Police be and is hereby authorized to donate to the Ladies' Evangelical Lutheran Church four lots of ground, Nos. 104, 105, 106 and 107, in Valence Street Cemetery.

Donation of lots.
Jan., 1881.
A. S. 6829.

ART. 417. That from and after the passage of this ordinance the price of lots in the Valence Street Cemetery be reduced from forty-five dollars to thirty dollars, and all ordinances or parts of ordinances in conflict with this be and the same are hereby repealed.

Price of lots.
August, 1881.
A. S. 7301.

WASHINGTON CEMETERY.

(Formerly Lafayette.)

ART. 418. (7) That the Administrator of Police be and he is hereby directed to cause that part of Lafayette

Price of lots.
Nov., 1871.
A. S. 1217.

Cemetery No. 1 along the enclosure of Prytania, Sixth and Coliseum streets to be surveyed into lots measuring nine by five feet, and the price of such lots shall be not less than sixty dollars each.

ACTS OF THE LEGISLATURE.

AN ACT RELATIVE TO PUBLIC CEMETERIES.

Cemeteries ex-
empted from
taxation, sale
and mort-
gage.

SECTION 1. *Be it further enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That all public cemeteries for the purpose of interment, with the monuments erected thereon, whether owned by religious or charitable corporations or associations, by municipal corporations or by individuals, shall be forever exempt from taxation and from seizure and sale for debt, and shall never be susceptible to mortgage, whether legal or conventional.

Right to sell
lots for purpose
of interment.

SEC. 2. That all religious denominations and congregations of this State, and all other associations which now own or may hereafter own any portion of land destined as a place for interment of the dead, shall have the right to sell, convey and transfer such parts, fractions or lots of the same as may be necessary and proper for interments; the acts of sale, conveyance and transfer shall be passed under such form as may be prescribed by the by-laws or special resolutions of the religious denominations, congregations or other associations. Acts of sale so made shall be equally authentic, and impart full proof as if they had been passed before a notary public and two witnesses. It shall not be necessary to record them in any public office, nor shall it be lawful for the Recorder of Mortgages in any city or parish of this State to record or to certify the existence of any privilege or mortgage bearing on said lots. The lots shall be forever free from taxation, and from seizure, attachment or sequestration for debts of any owner, whether belonging to the successions of deceased persons or to surviving friends.

Exemptions.

Certain laws
repealed.

SEC. 3. That all laws or parts of laws contrary to this act, and all laws on the same subject-matter, except what is contained in the Civil Code and Code of Practice, are repealed.

Act of 1855, p. 118, approved March 12, 1855. See Civil Code, Art. 447.

CHEMIST, CITY.

Office created.
Nov., 1865.
O. S. 6365.
Ord. No. 7189,
C. S.
Feb. 7, 1893.

ART. 419. That the office of *Analytical Chemist* of the city of New Orleans be and the same is hereby created; the officer thereof to be appointed by the Mayor, and to receive a monthly compensation of one hundred dollars,

to be paid on the pay roll of city officers. This ordinance to take effect from and after its approval by the Mayor.

CLERK OF CITY COUNCIL.

SEE CITY COUNCIL AND CITY CHARTER.

ART. 420. That the Clerk of the Council be allowed an assistant, who shall attend to such other duties as the Council may order, said assistant clerk to be elected by a majority of the Council, at such a salary as may be hereafter fixed.

Assistant
Clerk.
Ord. No. 3,
C. S.
Nov. 23, 1882.

ART. 421. That the Clerk of the Council be and he is hereby directed to mail or send to each member of this Council a printed copy of the minutes of each meeting of the Council, as early thereafter as the same shall have been printed, in order to enable each member to analyze such minutes in time before the next meeting of the Council.

Minutes of
meetings.
Ord. No. 10,
327, C. S.
Feb. 12, 1895.

This order is intended to supersede the practice of laying such copies on the members' desks on the night of the Council's meetings, which practice precludes the members' right to intelligently pass upon said minutes before adopting them as a whole.

See Organization.

CHIEF OF POLICE—SEE POLICE.

CHIEF CLERKS.

See SEC. 39 OF CITY CHARTER.

CHIMNEYS, STOVES AND STOVEPIPES.

ART. 422. (10) All discharging or arched pieces used in the chimney of any building hereafter erected or built in the city of New Orleans shall recede from any flue in the chimney at least six inches (6), and all chimney flues shall be lined with terra cotta lining from top to bottom.

All discharging and arched pieces to recede at least six inches.
Flues to be lined.

Chimneys how
constructed.

ART. 423. In no building shall any wooden girder, beam or timber, resting on the walls, be placed nearer than eight inches (8) of any flue, whether the same be smoke, air or any other flue. No chimney shall be built against any piece of timber, nor shall any timber be used in the construction of any chimney flue. No plank or other combustible material shall be laid on chimney tops. No oven, furnace or forge shall be constructed against a partition wall unless a counter wall of masonry be made; provided, that if the partition wall be made of brick or stone, a space of one foot (1) shall be left between, and if of pales or plank a space of four feet (4); and if any one shall find any chimney, oven, furnace, forge or apparatus so defective as to be dangerous, he shall make a report of same to the Mayor, who shall cause same to be examined, and satisfying himself of the dangerous condition of said chimney, oven, furnace, forge or apparatus, shall, in writing, direct the owner or his agent to repair or remove the cause of such danger within such time as he shall deem reasonable.

Mayor to cause
dangerous
chimneys to
be removed,
or repaired.
Ord. No. 6533,
C. S.

Chimneys of
dwellings to be
properly lined.
Ord. No. 7621,
C. S.
May 23, 1893.

ART. 424. All chimneys of dwellings, offices, stores, churches, furnaces, forges, ovens or apparatus, having an area not exceeding 250 square inches, must be lined with fire clay or terra cotta lining at least five-eighths of an inch thick, and from top to bottom. Such clay or terra cotta lining shall be immersed in water at least ten minutes and no more than one hour before being laid in the chimney, and all bricks used in such chimney shall be immersed in water in the same manner; spraying from hose or dashing of water from buckets will not be regarded as sufficient for bricks to enter in the construction of chimneys.

Lining.

Ib.

ART. 425. All chimneys of an area larger than 18x18 inches shall be lined with fire brick laid in fire clay from top to bottom. All joints to be thoroughly filled, struck and smooth.

Inspector's
duties.

Ib.

ART. 426. For the furtherance of the benefits contemplated in this section, the inspector may enter premises, may remove bricks from any part of the chimney for

the purpose of ascertaining whether the lining has been placed in proper manner; the bricks removed to be replaced by the owner of the premises.

ART. 427. The owner or builder will furnish every facility to the inspector for the clear and unequivocal examination of any chimney. Owner or builder to assist inspector. Ib.

ART. 428. Should it be discovered on examination that no lining has been put in any chimney which has been built subsequent to the passage of this amendment, said chimney shall be torn down and rebuilt with the proper flue lining, and at the expense of the owner of the premises. Chimneys to be rebuilt. Ib.

ART. 429. The City Engineer is obligated to keep in a proper book a complete record of all chimneys built in compliance with this ordinance, and shall, on the request of any parties, be obligated to furnish certificate to that effect. Record. Ib.

ART. 430. That the parties not complying with this amendment shall be subject to all the penalties provided under Ordinance No. 6533, C. S. Penalties. Ib.

See BUILDINGS, ART. 344, p. 180.

ART. 431. (24) The chimneys of all forges and furnaces connected with steam engines, used in factories of every description, and other establishments, shall be carried up at least twenty feet (20) above the highest peak or portion of any building within a radius of one hundred feet (100) from said factory or establishment, and all such chimneys shall have caps on them so constructed as to prevent cinders and soot from falling upon neighboring houses. Chimneys of forges and factories to extend up 20 feet. Ord. No. 6533, C. S.

ART. 432. It shall be the duty of each owner or occupant of every house within the city or suburbs to sweep or cause to be swept, at least once a month, any chimney where he, she or they habitually keep a fire; and if any chimney shall take fire through neglect of being properly swept and cleaned, the occupant of the house, room or apartment to which such chimney appertains, shall forfeit and pay a fine of five dollars. Chimneys to be swept. Art. 1, Ord. 1817. Collen's Digest, p. 69. Ord. 3395.

ART. 433. (1) From and after the passage of this ordinance no person shall set up or use a stove, any portion Stoves. Ord. No. 6533, C. S.

of which shall be within two feet (2) of any part of the woodwork or walls, partitions, or floors of any building within the limits of the city, without protecting such woodwork with metallic covering, so as to effectually protect the same from fire.

Stove pipes projecting. ART. 434. In all cases where a stovepipe projects
 Ib. or passes through the roof, partition or wall of any building, a part or the whole of which may be wood, the pipe shall be supported from such roof or woodwork at least six (6) inches by sheet iron or other non-combustible materials, and shall project above or beyond the roof or wall of the building as the case may be, at least three (3) feet.

Pipes over sidewalks. ART. 435. No stovepipe shall be allowed to pro-
 Ib. ject over any sidewalk or into any street.

Not to annoy neighbors. ART. 436. No person shall erect or continue
 Ord. No. 2179, erected, or use any chimney, stove or stovepipe in such
 O. S. a manner as that the smoke thereof shall annoy any
 May, 1855. neighbor or the citizens passing.

Penalty. ART. 437. (5) Any person or persons contravening
 Ib. any portion of this ordinance, after written notice to comply with its provisions from the Street Commissioner, shall be liable to a penalty of ten dollars for each day he or they may be in contravention, recoverable before any court of competent jurisdiction, for the benefit of the city.

Noise and smoke annoy- ing neighbors. ART. 438. That the owners or lessees of the said
 Ord. No. 2505, factories, etc., shall take all proper precaution to pre-
 C. S. vent the noise of their machinery or smoke emanating
 Oct. 11, 1887. from the chimneys thereof from becoming a nuisance to the neighbors.

Penalty. ART. 439. That any person or persons refusing to com-
 Ib. ply with the requirements of this ordinance, upon the official order of the Mayor, shall be subject to a fine of twenty-five dollars for each week from and after the first notification, that he shall have neglected or refused to comply with the requirements of this ordinance, and in the event of failure to pay the said fine, the person or persons so refusing and offending shall be imprisoned for a period not exceeding thirty days; the

said fine or penalty to be imposed by the Recorder of the district in which the said factories, etc., may be located.

ART. 440. That all chimneys in low buildings shall be extended to the height of three feet above the gutters of adjoining buildings which are located within a radius of fifty feet.

Chimneys in
low buildings.
Ord. No. 7943,
C. S.
Aug. 15, 1893.

ART. 441. That no stovepipe shall extend through the side of any building, nor extend through the roof of any building, unless provided with a metal plate or earthenware protector, or a double metal thimble with two-inch air space, leaving an air space one inch wide between the protector and the pipe, and no woodwork shall be within a distance of eight inches of the stovepipe when a metal plate protector is used, but the earthenware or metal thimble with two-inch air space may be set tight in woodwork. When earthenware, clay or terra cotta are used, the ware pipe shall be not less than three-quarters of an inch thick, and shall be two inches larger in inside diameter than the outside of the stovepipe, and shall extend outward two inches beyond any woodwork on either side, and may be set tight in such woodwork, and opening between stovepipe and ware pipe may be closed with any incombustible material, and where through floors between two rooms or where through partitions between two rooms it shall in all instances be so closed.

Pipes through
sides or roof to
have metal or
earthen protec-
tion.

He who wishes to dig a well or a necessary, to build a chimney or hearth, a forge, an oven, a furnace or stable, to put up shelves or to store salt or other corrosive substance near a wall, whether held in common or not, is bound to leave the distance, and to cause to be made the works prescribed by the regulations of the police, in order that his neighbor be not injured thereby.

And if there be no regulations of police upon all or any of these subjects, he shall conform to the following rules, in cases which have not been foreseen.—Civil Code, Art. 688.

He who wishes to build a chimney or hearth against a wall held in common, is bound to make a double wall of brick, or other material, six inches thick.—Civil Code, Art. 683.

CISTERNs.

See BUILDINGS, WATER SUPPLY.

ART. 442. (2) All buildings hereafter erected within this city shall be supplied with a healthy supply of water

Water supply. not less than five hundred (500) gallons for each room
 Ord. No. 6533, in said building; provided the aggregate capacity of
 C. S. July 5, 1892. cistern capacity shall be not less than twenty-five hundred (2500) gallons.

ART. 443. (3) All cisterns, the water of which is used
 Covers. for drinking or culinary purposes, shall be provided by
 Ib. the owner thereof with suitable covers.

CITY—See NEW ORLEANS AND CITY COUNCIL.

CITY ATTORNEY—See ATTORNEY.

CITY TIME.

Timesignals. ART. 444. That to establish uniform time the police and
 fire alarm telegraph shall give the following signals:

2 blows for 6 o'clock A. M.

2 " " 12 " M.

4 " " 1 " P. M.

9 " " 9 " " "

Except Sundays, only one blow for 12 o'clock M.

CITY DEBT.

EXTENSION OF BONDS.

Act. No. 58. ART. 445. (1) That the terms and conditions of Act
 June 30, 1882. No. 58, Acts of the General Assembly of Louisiana,
 Ord. No. 7563, approved June 30, 1882, relative to settlement and ad-
 A. S. July 25, 1882. justment of the city debt, be and the same are hereby
 Adjustment of accepted by the city, and the good faith of the city is
 city debt. hereby pledged to the full execution thereof.

Acceptance of ART. 446. (2) That for the purpose of extending the
 by city payment of all outstanding bonds of the city of New
 Orleans other than premium bonds, whether due or to
 Issue of cer- become due, including such as have been merged into
 tificates or an- judgments, but for which no tax has been levied, and as
 nexes. provided by said Act No. 58, approved 30th June, 1882,
 "An act to authorize the city of New Orleans to renew
 and extend payment of her outstanding bonds other than

premium bonds," etc., there shall be issued by the city of New Orleans certificates or annexes importing an obligation of the city to pay the principal of the extended bond in forty years from the 1st of January, 1883, to which certificates there shall be attached and delivered with such certificates semi-annual coupons of interest upon the principal of the bond at the rate of 3 per cent. semi-annually, the said coupons of the certificate to relate to the dates of the maturity of the coupons of the extended bonds, beginning with the earliest coupon maturing after the 1st of January, 1883, and continuing during a period of forty years, said certificates and coupons to be in all respects as required by said act, and specially by the third section thereof, the said certificates to be delivered to all holders of such outstanding bonds applying for such certificates under said act, and to be securely affixed to such bonds; no certificates to be delivered unless all the coupons of the extended bond maturing after 1st of January, 1883, shall be attached to such bond; the certificate to be of no effect, unless accompanied at all times with the bond and such unmatured coupons thereof; the city to have the right to pay and redeem such certificates and extended bonds at par, on and after the 1st of January, 1895, on giving notice of three months, the interest upon the certificates and bonds to cease on expiration of such notice.

Payable in
forty years.

Delivery of to
holders of out-
standing bonds,
etc.

Right to re-
deem on part
of city.

ART. 447. (3) That for the purpose of extending the payment of all outstanding coupons of bonds of the city, maturing up to and including the 1st of January, 1883, there shall be issued by the city of New Orleans certificates for the amount of the face of the coupons, with six per cent. interest per annum thereon up to the 1st of January, 1883, said certificates to bear that date and to be payable in ten years from such date or sooner, at the option of the city, and to bear interest at the rate of three per cent. semi-annually, payable 1st of January and July of each year from 1st of January, 1883, until paid, and corresponding semi-annual coupons for said interest shall be attached to said certificates, the certificates to be negotiable by delivery only, without endorse-

Outstanding
coupons.

Semi-annual
coupons for in-
terest.

ment, and to be in all respects conformable to said act, and especially to the fourth section thereof; the said certificates shall be delivered to all holders of the coupons of said outstanding bonds maturing up to and including 1st of January, 1883, who may apply for the certificates, such holders to be required first to deposit said coupons with the Board of Liquidation for safe keeping, the date and number of each deposit of coupons to be carefully registered, the registry to embrace also the corresponding certificates, and the certificates to be numbered successively in the same order of the deposits of coupons without regard to the time of actual issue. Said certificates to be redeemable at par by the city on and after the 1st of January, 1884, after one month's notice specifying the amount and numbers of the certificates it will cause to be redeemed, and upon such call for redemption, the last and highest numbers of such certificates to be redeemed first, and after said notice the interest on the certificates and coupons to cease.

Coupons to be deposited with Board of Liquidation.

Redeemable after January, 1884.

Rights of bondholders.

Reservation and revival of in event of city's default.

ART. 448. (4) That the bonds as herein set forth shall be renewed and extended, and certificates for past due coupons issued and accepted, on the part of the holders of such bonds or coupons, under benefit of reservation of all their rights, as expressly set out in said Act No. 58, and especially sections 3 and 4 thereof, under which the rights of said holders of bonds and coupons under their original contracts are preserved, and revive in full force in the event of any default by the city of the payment of the new certificates, or in the execution of the provisions of said act.

ART. 449. (5) That the said certificates shall be signed by the Mayor and Administrator of Finance, and countersigned by the Administrator of Accounts.

BOARD OF LIQUIDATION.

To turn over books, papers, bonds, etc.
A. S. 6532.
June, 1880.

ART. 450. (1) That the Commissioners of the Consolidated Debt of the city of New Orleans be and are hereby directed to turn over and transfer to the Board of Liquidation, created by Act No. 133 of 1880, all books, papers, accounts, deposits, bonds, credits, and all property un-

der their control or in their possession, pursuant to the provisions of said act; and said Commissioners shall require of said Board of Liquidation a detailed receipt of all things so turned over and transferred.

ART. 451. (2) That the Administrator of Finance be and is hereby authorized and directed to deposit to the credit of said Board of Liquidation of the City Debt, and in such bank as shall be selected by them, all taxes appropriated and collected for the interest of the bonded debt of the city of New Orleans; provided, that the said Board of Liquidation shall carry out the engagements now existing between the Louisiana National Bank, the Commissioners of the Consolidated Debt and the city of New Orleans.

To deposit in-
terest fund.
Ib.

CITY BONDS.

ART. 452. (1) That pursuant to the provisions of section 2 of an act entitled "An act to liquidate the indebtedness of the city of New Orleans and to apply its assets to the satisfaction thereof; to create a Board of Liquidation and prescribe their duties; and to provide for a fiscal agent and for the levying of a sufficient tax to pay said interest," approved April 10, 1880, and known as Act No. 133, the Board of Liquidation, by said act created, be and is hereby authorized and directed to prepare bonds of the city of New Orleans to be used only for the purpose of negotiation or exchange, as provided by said act.

To prepare
bonds.
A. S. 6598.
April, 1880.

ART. 453. (2) That the form of said bonds shall be determined upon as required by the terms of the second section of the act above referred to.

Form of bond.
Ib.

ART. 454. (3) That upon the preparation of said bonds, and upon the request of the Board of Liquidation, the Mayor shall sign and the Administrators of Finance and Public Accounts shall countersign the same, as required by the provisions of said act.

By whom to
be signed.
Ib.

"PREMIUM BONDS."

ART. 455. (1) That the Council cordially approves and adopts the plan submitted by the Administrator of Finance entitled "The Premium Bond Fund of the City

Adoption of
Premium Bond
plan.
A. S. 3130.
May, 1875.

of New Orleans," etc., and the Commissioners of the Consolidated Debt are hereby charged with the duty, by and with the advice and consent of the Council, to adopt the measures necessary to carry the same into execution.

Funding of
bonds.
A. S. 3414.
March, 1876.

ART. 456. (1) That the Legislature of Louisiana having, under Act No. 31, approved March 6, confirmed and ratified the premium bond plan as adopted by the City Council, the Commissioners of the Consolidated Debt are hereby authorized to proceed with the funding of bonds in conformity with said act, which is hereby accepted in all its provisions.

Time for allot-
ting Premium
Bonds.
A. S. 3471.
April, 1876.

ART. 457. (1) That hereafter the allotments of series of premium bonds shall take place quarterly, to-wit: on the 31st of January, 15th of April, 31st of July and 15th of October of each year; provided, however, that in all cases where these respective dates shall fall upon a *dies non*, they shall be postponed until the next legal day thereafter.

TO FUND THE BONDED DEBT.

To advertise
for bonds to be
funded.
Ord. 3140, A. S.
June, 1875.
Ib.

ART. 458. (3) That the Commissioners of the Consolidated Debt be and are hereby authorized to invite, by publication, the presentation of bonds to be funded in twenty-dollar premium bonds, in accordance with the law submitted by the Administrator of Finance and adopted by the Council at its regular meeting on the twenty-fifth of May last, and approved by the Mayor.

Time for pre-
senting bonds.
Ib.

ART. 459. That in order to participate in the first redemption, all bonds must be presented on or before the first day of September next, from which time further exchange will cease until the first allotment shall have been made. The holders of bonds thus funded will receive in cash at that date a pro rata of all interest funds to the credit of the respective series, and all coupons due and to become due shall be thereupon surrendered with the bond itself.

Engraving
bonds.
Ib.

ART. 460. That the Commissioners of the Consolidated Debt be and are hereby authorized to contract for proposals or otherwise for the printing or engraving of the premium bonds.

DEFINING FLOATING DEBT.

ART. 461. (4) That the Floating Debt of the city of New Orleans is hereby declared to consist of the following valid obligations, viz.: Certificates of appropriation, tax warrants, five-eighths tax excess certificates, criminal jury and coroners' warrants, city money, unpaid ordinances of 1873, 1874 and 1875, registered judgments, judgments in United States Courts, for floating debt only, half-paid interest coupons and indebtedness of the late city of Carrollton, as provided in Ordinance No. 2997, Administration Series.

Floating debt.
March, 1876.
A. S. 3410.

BONDS OF THE CITIES OF NEW ORLEANS, CARROLLTON
AND JEFFERSON.

ART. 462. (2) That the Administrator of Finance be and is hereby directed to exchange all recognized bonds of the city of New Orleans, also of the late cities of Carrollton and Jefferson, for premium bonds in accordance with the plan adopted by the Council and approved by the Mayor on the twenty-fifth day of May, 1875. The said premium bonds shall be dated on the first day of September, 1875, and bear interest at the rate of five per cent. per annum from the 15th day of July, 1875. They shall be signed by the Commissioners of the Consolidated Debt, and be countersigned, when issued, by such parties as the Council may hereafter select for that purpose.

Exchange of
bonds of New
Orleans, Car-
rollton and Jef-
ferson.
Aug. 1875.
A. S. 3233.

ART. 463. That on all bonds funded or hereafter to be funded under this ordinance, the interest adjustment shall date from the first day of July, 1875, after which period the interest thereon shall cease.

Date of inter-
est.
Ib.

ART. 464. That a permanent committee of six shall be appointed to represent the bondholders in all matters touching their interests under and in this ordinance. They and their successors shall at all times have free access to the records of the Consolidated Debt, and may exercise such control and supervision over the allotments, cancellation and registry of bonds as they may deem necessary. They shall fill all vacancies among themselves, and may, in their discretion, appoint a suit-

Committee of
bondholders.
Ib.

able person to act for them in all matters relating thereto. The committee shall at present be composed of John G. Gaines, President of the Citizens' Bank; Thomas A. Adams, President of the Crescent Mutual Insurance Company; Aug. Bohn, President of the Mechanics and Traders' Bank; George Jonas, President of the Canal Bank; J. H. Oglesby, President of the Louisiana National Bank; Samuel H. Kennedy, President of the State National Bank.

Cancellation
of bonds,

Ib.

ART. 465. That the bonds funded under this ordinance, except those which shall have been redeemed, shall not be canceled or destroyed before the month of April, 1876. They shall be registered by number, marked and labeled and deposited in a safe manner until the period named.

Allotment of
series.

Ib.

ART. 466. That the first allotment of series shall take place on the fifteenth day of September next, or as soon thereafter as possible, and the first allotment of premiums of the fifteenth day of January, 1876, fixed. All subsequent allotments of series shall take place on the fifteenth of April and the fifteenth of October, and of premiums on the fifteenth of January and fifteenth of July.

Proposals for
exchange of old
for Premium
Bonds.

Ib.

ART. 467. That until all the bonds herein provided for are funded, it shall be the duty of the Administrator of Finance, immediately after the allotment of series, to invite by sealed proposals the exchange of old bonds for the drawn premium bonds remaining. Such proposals shall state the lowest price at which the old bonds are offered, payable in the drawn premium bonds at face value and interest. The right to reject any or all bids to be reserved by the Council.

Drawn bonds
receivable for
licenses and
taxes.

Ib.

ART. 468. That all drawn series or numbers of premium bonds shall be received by the city for all dues, licenses, taxes or debts of any description at their face value and interest.

Exchange of
bonds.
Jan., 1876.
A. S. 3364.

ART. 469. That in all cases where proposals for the exchange of bonds have been received and rejected, bids shall again be invited, either before or after the distribution of premiums, for exchange of bonds and for

cash, as the case may be, and all such subsequent offers may include the undrawn premium bonds on the same footing as any other bond.

That the Commissioners of the Consolidated Debt be and are hereby instructed to advertise for sealed proposals for the sale to the city of \$350,000 of old and premium bonds.

Sealed proposals for sale of old and Premium Bonds. Ib.

Ordinance No. 1463, O. S., relative to Jackson R. R. bonds.

Ordinance No. 1464, O. S., relative to Opelousas R. R. bonds.

Ordinance No. 1577, O. S., relative to Pontchartrain R. R. bonds.

Ordinance No. 1775, O. S., relative to compromise of old suit of cities of New Orleans and Lafayette prior to consolidation.

Ordinance No. 2730, O. S., relative to additional city debt.

Ordinance No. 6108, O. S., relative to custodian of R. R. bonds.

Ordinance No. 1474, N. S.

Ordinance No. 27, A. S., relative to seven per cent. bonds.

Ordinance No. 57, A. S., compensation for floating bonds.

Ordinance No. 409, A. S., relative to Jefferson City bonds.

Ordinance No. 882, A. S., relative to certificates of indebtedness.

Ordinance No. 883, A. S., relative to certificates of appropriations.

Ordinance No. 1486, A. S., relative to street assessment bonds.

Ordinance No. 1504, A. S., relative to drainage bonds.

Ordinance No. 1625, A. S., relative to gold bonds.

Ordinance No. 2591, A. S., relative to regulating exchange of bonds.

ACTS OF LEGISLATURE.

PREMIUM BONDS.

(Act No. 31 of March 6, 1876.)

WHEREAS, The total debt, bonded and floating, of the city of New Orleans, has accumulated to an amount exceeding twenty-three millions of dollars, resulting from the occurrence of the civil war and from reckless expenditures of public moneys.

WHEREAS, Under the depressing influence of the consequences of the late war and the disasters produced by the overflows in this State and other causes, the taxable property of the city of New Orleans has become so reduced in value as to require taxation at the rate of at least five per cent. per annum to liquidate the debt as established by the acts authorizing the various issues of the same; and

WHEREAS, The levying of a tax at so exorbitant a rate renders the collection impossible;

WHEREAS, The continuation of the levying of a tax beyond the ability of the property to pay leads to a further destruction of assessable property of the city, and the consequent shrinkage of the common pledge of the creditors, tending to a continuation of the present embarrassment of the city affairs and ultimate practical bankruptcy;

WHEREAS, The City Council of the city of New Orleans have adopted a plan for the liquidation of the city indebtedness, looking to the payment of the creditors in full, obtaining thereby the indulgence necessary for the public well-being and the maintenance of the public honor; therefore

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened.* That the Mayor and Administrators of the city of New Orleans, or such other officers, Aldermen or Administrators as may hereafter be ordained or established, be and they are hereby authorized and directed to exchange all recognized and valid bonds of the city of New Orleans and the late cities of Jefferson and Carrollton for bonds known as the premium bonds of the city of New Orleans, in accordance with the plan adopted by the City Council and approved by the Mayor, on the 25th of May and 31st of August, 1875. The said premium bonds shall be dated the 1st of September, 1875, and bear interest at the rate of five per cent. per annum, from the 15th of July, 1875; they shall be signed by the Mayor, the Administrator of Finance and the Administrator of Public Accounts, as Commissioners of the Consolidated Debt, and countersigned, when issued, by such parties as the Council have designated heretofore, or may hereafter designate, with the authorization of the supervising committee hereafter named.

SEC. 2. That all outstanding bonds bearing interest shall have the interest computed up to the first day of July, 1875, and thereafter the bonds when exchanged shall bear interest as provided in the ordinance above ratified, which provides for the premium bonds.

SEC. 3. That the allotment of series and premiums which have been made by virtue of Ordinance No. 3233, Administration Series, adopted August 31, 1875, by the City Council, are hereby ratified and approved, and that further allotments shall take place on the fifteenth day of April and fifteenth day of October of such year, and of premiums on the fifteenth day of January and the fifteenth day of July of each year, or on such other date as the Council may prescribe; provided, that payments be not made later than the fifteenth day of March and the fifteenth day of September of each year.

SEC. 4. That a permanent committee of six citizens is hereby created to represent and supervise all matters and interest under the operation of this act; they and their successors shall at all times have free access to the records of the Consolidated Debt, and may exercise control and supervision over the allotments and premiums, the registration and cancellation of bonds as they may deem necessary, when not in conflict with the provisions of this act; they shall fill all vacancies in their number by death, resignation or otherwise; the said committee shall at present be com-

posed as follows: John G. Gaines, Thomas A. Adams, August Bohn, J. H. Oglesby, Samuel H. Kennedy and George Jonas.

SEC. 5. That until all the bonds are funded as herein provided, it shall be the duty of the Commissioners of the Consolidated Debt and the said Supervising Committee, immediately after the allotment of series, to invite by sealed proposals for the exchange of old bonds for drawn premium bonds remaining in possession of the city; such proposals shall state the lowest price at which the old bonds are offered, payable in the drawn premium bonds valued upon their face, capital and interest; the said bids, if any, to be opened by the Commissioners of the Consolidated Debt and at least one of the said Supervising Committee, the right to reject any or all bids being reserved to the City Council; provided, that when bids are rejected, further offers shall be invited, either before or after distribution of premiums for exchange of all other bonds, or for cash as the case may be.

SEC. 6. That it shall be the duty of the City Council, in the month of December of each year, or in the annual budget annually adopted for the ensuing year, to include an amount sufficient to meet and pay the principal and interest of the premium bonds, together with premium included, in the several allotments of series and premiums fixed for such year by the aforesaid ordinances and this act. It shall be the duty of the Council annually to levy an equal and uniform tax on all the assessed property within the corporate limits of the city, at a rate sufficient to provide the amount included in the budget as aforesaid, and said tax so levied shall constitute a special fund to be used for no other purpose than the payment of said bonds and interest on the said premiums comprised in said allotment, and the fund so raised shall be placed to the credit of an account to be called the Premium Bond Account, and no money from said fund shall be paid out except on the joint authority of the Commissioners of the Consolidated Debt. The said tax to be raised shall be denominated the premium bond tax, and shall be separately mentioned in the tax rolls and receipts; provided, that the taxable power of the corporation of the city of New Orleans for all purposes, including general administration, school, police, lighting, salary of officers, court expenses and every other purpose of government, including the sum to be raised to pay the premium bonds, as above stated, shall never, until the full, complete and final payment of the said premium bonds, exceed the rate of one and one-half per centum on the dollar of all the assessed value of property subject to taxation within the limits of the said city of New Orleans. The above limitation on the taxable power of the corporation is hereby declared to be a contract, not only with the holder of the said premium bonds, but also with all residents and taxpayers of the said city, so as to authorize any holder of said premium bonds, resident or taxpayer to legally object to any rate of taxation in ex-

cess of the rate herein limited; it being also a part of the consideration of this contract that the city of New Orleans shall be incompetent to incur any debt or obligation, as now provided by the Constitution of this State, until the final payment and extinction of the premium bonds, aforesaid.

SEC. 7. That no tax for the payment of bonds or interest on bonds other than that authorized by the preceding sections shall be levied either for the year 1876, or any year or years thereafter by the city of New Orleans, and that all existing laws requiring or authorizing the City Council to levy any tax whatsoever for bonds or interest on bonds, other than said premium bonds, be and the same are hereby repealed; and it shall be hereafter incompetent for any court to mandamus the officers of said city to levy and collect any interest tax other than that provided in this act, or in case of such mandamus, by a receiver or otherwise, to direct the levy and collection of any such tax.

SEC. 8. That all bonds issued in exchange for others, all allotments made, and all things done by the City Council or the Mayor and Administrators, previous to the passage of this act, under and by virtue of said Premium Bond plan and the ordinances Nos. 3130 and 3233, be and are hereby approved and ratified, and are continued in force, and are recognized as having been lawfully done pursuant to powers vested in the Council by the constitution and laws.

SEC. 9. That it shall be the duty of the City Council to at once prepare a statement in detail of the outstanding bonds of the city of New Orleans, to be funded as aforesaid, and whenever any of said bonds are funded for premium bonds, or offered to the city for drawn premium bonds, or drawn premiums, the said bonded debt so exchanged shall be immediately canceled by the Commissioners of the Consolidated Debt, and said supervising committee or a member thereof shall prepare a statement of the bonds so canceled, to be made public.

SEC. 10. That no city property of any kind shall hereafter be sold or conveyed in any manner except the proceeds be applied to the reduction of the bonded or floating debt.

SEC. 11. That in addition to the obligation of the said city to provide annually the sum required for the execution of the Premium Bond plan, at least a tax of one-half of one per cent. annually, to be used in the execution of the provisions of this act; and if [the] product of said half of one per cent. be more than adequate for the payment of the drawn premium bonds, and the premiums as above provided, then the surplus to be used in retiring the outstanding bonds; provided, said half of one per cent. taxation be considered as part of the one and a half per cent. taxation to which the taxing power of the city is limited by this act; the intention of this section being to limit the city taxation to one and one-half per cent. annually until the entire extinction

of the bonded debt; to authorize the Council to levy annually, out of the one and one-half per cent. taxation a sum adequate to the annual execution of said Premium Bond plan, and after the year 1881 to levy at least one-half of one per cent. for the carrying out of said plan, and to distribute the surplus realized therefrom, if any, in retiring the outstanding bonded debt.

See Act 133 of 1880, p. 525.

SEC. 12. That whenever under the operations of this act the bonded debt of the city of New Orleans shall be reduced below eight millions of dollars, the creditors holding the same shall be entitled to convert the same into bonds bearing six per cent. interest per annum, payable in twenty years from their date, to be dated after the reduction aforesaid, the interest to be paid semi-annually. A sinking fund of at least two hundred thousand dollars to be provided for along with the interest by adequate annual taxation; all the limitations hereinabove provided on taxation and debt to be applicable after the issue of said bonds until payment thereof.

SEC. 13. That all costs, interest and charges due on arrearred city taxes, up to the year 1875, inclusive, be and the same are hereby remitted; that it shall be the duty of the city government, immediately after the passage of this act, to prepare a list of the valid outstanding floating debt of the city; that after the preparation of the list of the floating debt provided in this act any of said debt shall be receivable in payment of said taxes, as follows: For all taxes due previous to the year 1865, inclusive, the said outstanding floating debt shall be received by the said city at the rate of one hundred dollars of floating debt for two hundred dollars of taxes; for all taxes due from 1866 to 1873, inclusive, the said outstanding debt shall be received at par; provided said taxes shall be paid within the year 1876.

SEC. 14. That all drawn premium bonds shall be receivable by the city for all dues, licenses, taxes and debts of any description at their face value and interest.

SEC. 15. That this act, in all its provisions and limitations, be held a contract between the city of New Orleans, the holders of paid premium bonds and the taxpayers or residents of said city, so as to authorize any of the contracting parties to resist any and all contracting of debt by the said city, or increase of taxation above the rate limited in the previous provisions of this act.

SEC. 16. That this act take effect from and after its passage; that all laws or parts of laws inconsistent herewith be and the same are hereby repealed, and that all ordinances of the city of New Orleans conflicting with this act be and are hereby repealed

BOARD OF LIQUIDATION.

Act No. 133 of 1880.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That for the purpose of liquidating, reducing and consolidating the debt of the city of New Orleans, as hereinafter specified, a permanent syndicate of six citizens of the said city is hereby created. The said syndicate shall be chosen as follows: Two by the Governor of the State of Louisiana, two by the Lieutenant Governor and two by the Speaker of the House of Representatives and the Mayor of the city of New Orleans, the Treasurer and the Controller hereof, as hereinafter provided, shall be *ex-officio* members of said syndicate; provided, that in case no change is made in the present city the present Commissioners of the Consolidated Debt shall act as *ex-officio* members of said syndicate, and the members of the syndicate so named shall fill all vacancies in their number, death, resignation or otherwise.

SEC. 2. That the Commissioners of the Consolidated Debt, or the city officers provided and named in section one of this act and the syndicate hereby created shall constitute a Board of Liquidation of the City Debt and the said board shall have exclusive control and direction of all matters relating to the bonded debt of the city of New Orleans. The Board of Liquidation shall cause to be prepared bonds of the city of New Orleans, which bonds shall be used only for the purpose of negotiation or of exchange as hereafter provided. The said bonds shall be signed by the Mayor and countersigned by the Administrators of Accounts and of Finance, or such officer or officers as may be hereafter created to fill their respective functions. They shall be made payable in fifty years from the day of the approval of this act and bear interest at the rate of four cents per annum from the date of said bonds, payable semi-annually on the first day of April and October of each year, said interest represented by one hundred coupons annexed to each bond. The said bonds and interest coupons annexed may be issued for such sums as may be deemed most convenient by the Board of Liquidation and be made payable at such place or places as may be designated in the bond; but the said bonds shall be made payable, interest and principal, in lawful money of the United States, and the said Board of Liquidation shall be and it is hereby empowered and authorized to establish in New York, London, Paris and Amsterdam such agencies as they may see fit and desirable.

SEC. 3. That the Board of Liquidation of the City Debt be and is hereby authorized and empowered to retire and cancel the entire valid debt of the city of New Orleans, except the floating debt created up to the date of the passage of this act, whether represented by bonds of various classes or by judgments, either by the sale of the new bonds created under this act and appliance

of proceeds to the purchase of such old obligations on such terms as may be agreed upon between the holders of the said old obligations and the Board of Liquidation; provided, the new bonds shall not be sold for a less sum than eighty cents in cash on the dollar, and that no exchange shall be made at a greater rate than fifty cents in new bonds per one dollar of the face value of the old obligation with interest accrued thereon; and provided further, that the entire issue of new bonds sold or exchanged, as above provided, shall not exceed in all, ten millions of dollars.

SEC. 4. (4) That should any obligation of the city of New Orleans be deemed fraudulent or invalid by any member of the Board of Liquidation, the same shall not be purchased, exchanged or retired until the holder of the same shall have applied to the proper court for relief, when, if final judgment be in his favor, it shall be deemed to be a valid obligation of the city; and should any member of the Board of Liquidation knowingly audit, fund, purchase or retire for value any illegal obligation of the city of New Orleans, or shall use any of the bonds herein authorized or the proceeds thereof, or any of the city's assets, or property in the hands of the board, by virtue of this act, for purposes other than those contemplated in this act, he shall, on conviction thereof, be punished by fine of not less than one thousand dollars and imprisonment at hard labor for not less than one year.

SEC. 5. (5) That it shall be the duty of the city authorities, as soon as possible after the organization of the Board of Liquidation of the City Debt, to turn over and transfer to the said board all the property of the city of New Orleans, both real and personal, not dedicated to public use, and the Board of Liquidation shall be and is hereby empowered and authorized to dispose of said property on such terms and conditions as may be deemed favorable; the proceeds of such sale or sales to be deposited with the fiscal agents of the board at credit of "City Debt Fund."

SEC. 6. That nothing in this act shall be construed as affecting or in any manner impairing Act No. 31 of 1878, commonly known as the Premium Bond Act; but it will be the duty of the city authorities to turn over and transfer to the Board of Liquidation of the City Debt all moneys collected on account of the tax levied in accordance with the provisions of the Premium Bond Act; and it shall be the duty of the Board of Liquidation to apportion the proceeds of said tax and apply the same pro rata and in the proportion which each form of bonded debt shall bear to the entire of the city's debt, and such portions of the said proceeds of tax as shall not properly belong to the outstanding amount of premium bonds shall be applied to the payment of interest on the bonds created under this act.

SEC. 7. That it is hereby made a felony punishable, on conviction, by a fine not exceeding five hundred dollars and imprison-

ment at hard labor not exceeding ten years, for the fiscal agent or any member of the Board of Liquidation of the City Debt to divert or misappropriate any portion of the debt and interest fund herein created from its legitimate channel as provided.

SEC. 8. That the surplus arising from the collection of the debt and interest tax, or from the sale of assets in the hands of the Board of Liquidation of the City Debt, after paying the interest coupons of the bonds issued under this act, shall be used for the purchase and retirement of any valid bonds of the city of New Orleans heretofore created, at the rate not exceeding fifty cents per dollar, or at the discretion of the board for the retirement of the bonds created under this act, at a price not exceeding par; and the bonds or obligations purchased, exchanged or retired shall be canceled and destroyed by the said Board of Liquidation after public notice of the same shall have been given in the official journal of the city of New Orleans, and in the presence of such witnesses as may desire to attend. A *proces verbal* of the same, giving the amounts, numbers, dates and other particulars for identification of the obligations destroyed, shall be made out and sworn to by a majority of the Board of Liquidation, and published within ten days of such destruction in the official journal of the city of New Orleans.

SEC. 9. That the Board of Liquidation is required and empowered to open, keep and regulate a special book of registry of bonds of the Consolidated Bond Series of 1880 as follows, to-wit: Any holder or owner of any of the former or old bonds of the city issued previous to the passage of this act, upon surrendering the same for cancelment according to the provisions of this act, shall be entitled to have the amount and number of bonds due him registered in said book in such manner and form as the Board of Liquidation may determine and prescribe, whereupon, instead of giving to said party a new bond as contemplated by the preceding sections of this act, the Board of Liquidation shall grant to such party a certificate of registry in such form as said Board of Liquidation may determine and prescribe, and said certificate to be transferable in person or by proxy on the records of the book of the Board of Liquidation, and semi-annual interest on the amount of said certificates, instead of being represented by interest coupons, shall be payable to such party or his order in such form and manner as said Board of Liquidation may determine and prescribe, and the city of New Orleans shall cause a sufficient number of blank certificates of registry to be printed or engraved in the form and manner prescribed, and shall deliver said blanks to the Board of Liquidation to be used agreeably to this section.

SEC. 10. That it shall be the duty of the Council of the city of New Orleans to provide a proper office for the Board of Liquidation of the City Debt; but the expenses of engraving, printing and issuing, the board created under this act and all the necessary

clerical and office expenses, shall be paid out of the funds appropriated and belonging to the payment of interest and principal of said bonds; provided, that no member of the Board of Liquidation shall receive any salary or emolument of any kind for his services therein.

SEC. 11. That the City Council be and is hereby required to levy an annual tax, calculated upon the assessments of the preceding year, less twenty per cent., sufficient to pay in full the interest on all the bonds issued under the provisions of this act, and any tax levied shall continue in force until superseded by a new levy for the same purpose.

Act No. 67 of 1884].

To amend and re-enact Sections 2, 3 and 5 of an act entitled "An act to liquidate the indebtedness of the city of New Orleans, and to apply its assets to the satisfaction thereof; to create a Board of Liquidation, and prescribe their duties; and to provide for a fiscal agent, and for the levying of a sufficient tax to pay said interest," approved April 10, 1880; and to further provide for the redemption of the bonds authorized herein, the payment of the interest on the same, when said tax is not levied; and for the disposition and sale of said assets and other property.

WHEREAS, Due notice of the introduction of this act has been given, in accordance with Article 48 of the Constitution; and,

WHEREAS, The legislation heretofore enacted, under Article 254 of the Constitution of the State, providing for the liquidation of the indebtedness of the city of New Orleans, has in part proven inoperative.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That Section 2, of Act No. 133, approved April 10, 1880, be amended and re-enacted so as to read: That the Commissioners of the Consolidated Debt, or the city officers, provided and named in Section 1 of this act, and the syndicate hereby created, shall constitute a Board of Liquidation of the city debt, and the said board, shall have exclusive control and direction of all matters relating to the judgment and bonded debt of the city of New Orleans. The Board of Liquidation shall cause to be prepared bonds of the city of New Orleans, which bonds shall only be used for the purpose of negotiation or exchange, as hereinafter provided. The said bonds shall be signed by the Mayor and Treasurer of the city of New Orleans, and countersigned by the Comptroller of said city; they shall be dated June 1, 1884, and be made payable in fifty years from said date, or sooner, at the option of the city, and bear interest at the rate of five per cent. per annum from the date of said bonds, payable semi-annually on the first days of June and December of each year; said interest to be represented by one hundred coupons annexed to each bond. The said bonds and interest coupons annexed may be

issued for such sums as may be deemed most convenient by the Board of Liquidation, and be made payable at such place or places as may be designated in the bond, but the said bonds shall be made payable, interest and principal, in lawful money of the United States.

SEC. 2. *Be it further enacted, etc.*, That Section 3 of Act No. 133, approved April 10, 1880, be amended and re-enacted so as to read: That the said Board of Liquidation of the city debt be and it is hereby authorized and required, and it is made the duty of the said board to retire and cancel the entire debt of the city of New Orleans now in the form of executory judgments and registered, under the provisions of Act No. 5 of 1870, and that which hereafter may become merged into executory judgments and likewise registered; except the floating debt or claims created for and against the year 1879, and subsequent years; that it is the full intent and meaning of this act to apply solely the privileges thereof to executory judgments, at present rendered against such city, and to such floating debt or claims against said city for 1878, and previous years merged and to be merged into executory judgments, whether absolute or rendered against the revenues of any particular year or years, previous to the year 1879; that for the purpose of retiring and canceling said judgment debt, the said board is authorized and required either to sell the bonds to be issued under this act at not less than their par value and apply the proceeds thereof to the payment of the said judgments, as above specified, or issue said bonds in exchange for said judgments.

SEC. 3. *Be it further enacted, etc.*, That section five of act No. 133, approved April 10, 1880, be amended and re-enacted so as to read: That it shall be the duty of the city of New Orleans to turn over and transfer to the Board of Liquidation, immediately after the passage of this act, all property of the city of New Orleans, real and personal, not dedicated to public use; provided, that in the sale of bature property, which is herein included, the right of the city to all future accretions shall be reserved, all assets of said city realized, and to be realized, except such assets and revenues as pertain to the administration of said city, and necessary for the support of the same as at present authorized, all uncollected revenues of said city anterior to the year 1879, when collected; and the said board, is hereby authorized and required to dispose of said property and assets, other than stock held in corporations, on such terms and conditions as said board may deem to be to the best interests of the city, and apply the proceeds thereof, together with the uncollected revenues above mentioned, when the same are collected: First, to the payment of the interest on the bonds authorized herein in the event that the tax authorized by section eleven of said Act No. 133, approved April 10, 1880, be

not levied; second, to the redemption and cancellation of the said bonds; provided, that bids for the sale of the same shall be by sealed proposals, and that preference shall be given to the lowest bidder; and provided further, that no bids above the par value of said bonds shall be accepted.

SEC. 4. *Be it further enacted, etc.*, That for the further redemption of said bonds the said Board of Liquidation is hereby authorized and required, after each and every allotment of series following the passage of this act, to advertise for sealed proposals for the exchange of drawn premium bonds in possession of the city for the bonds authorized herein to the amount of fifty thousand dollars, of said bonds issued under this act; provided, that no exchange be made unless preference be given to the lowest bidder.

SEC. 5. *Be it further enacted, etc.*, That nothing shall herein be construed as in any manner affecting or interfering with the disposal of property of said city, created under the provisions of Act No. 33, approved March 31, 1877, otherwise than is provided for in section fourteen of said act.

SEC. 6. *Be it further enacted, etc.*, That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

ACT NO. 110 OF 1890.

Joint Resolutions

Proposing an amendment to the Constitution providing for the funding of the bonded debt of the city of New Orleans, other than Premium Bonds, into four per cent. bonds; providing a special tax of one per cent. to pay the bonded debt of the city, and exempt the said four per cent. bonds from taxation, and further authorizing the said city to assume and pay such unpaid claims of the Board of School Directors of said city and parish which it may find to be equitably due by said board.

SECTION 1. *Be it resolved by the Senate and House of Representatives of the State of Louisiana, two-thirds of all the members elected to each house concurring*, That the following amendments to the Constitution of the State be submitted to the electors of the State at the next election for Representatives for the General Assembly in the year 1892, for the purpose of retiring the now existing valid outstanding bonds of the city of New Orleans, including the bond certificates or bonds issued under the act of the Legislature No. 58 of 1882, and to retire judgments now or hereafter rendered against the city on floating debt claims prior to 1879, entitled to be funded under Act No. 67 of 1884, the said city of New Orleans is hereby authorized and directed, on and after the adoption of this amendment, to issue through the Board of Liquidation of the City Debt, bonds to be known as the Constitutional Bonds of the city of New Orleans, not exceeding ten millions of dollars, at fifty years, bearing four per cent. per annum interest, to bear

date and be in the form prescribed by the Legislature. The said bonds shall be applied by the said board to the retirement of said outstanding bonds and judgments, by the sale of said Constitutional Bonds, and application of the proceeds of sale by the Board of Liquidation to pay or purchase said outstanding bonds and judgments, or by exchanging the said Constitutional Bonds for bonds, on the terms and in the mode prescribed by the Legislature. For the payment of the interest and principal at maturity of said Constitutional Bonds and other outstanding bonds not retired under this amendment, and for the payment of the annual allotments and premiums of the premium bonds of said city, the said city is hereby authorized and directed to levy annually and until the full payment of said bonds a special tax of 1 per cent. on all the real and personal property of the city, said tax to be part of and not in addition to the tax of 20 2-10 mills on the dollar of valuation now levied for all purposes by the city of New Orleans, and the said tax shall be paid over as collected to and be applied by the Board of Liquidation to the payment of the interest and principal at maturity of said Constitutional Bonds and outstanding bonds not retired, and to the payment of the allotments of Premium Bonds and premiums extant in the hands of holders.

Said tax is hereby declared to be the contract right of the holders of all said bonds; and the exemption of said Constitutional Bonds from all taxation by the city of New Orleans and State of Louisiana is hereby recognized and declared, and after the payment of all the annual interest on said constitutional bonds and bonds not retired and the payment of the said annual allotments of Premium Bonds and premiums extant in the hands of holders, and after making provisions for a sinking fund at such time and of such an amount as the Legislature prescribes, the surplus of said 1 per cent. shall be disposed of as prescribed by the Legislature.

The act passed at the present session, No. 36, entitled "An act to carry into effect the constitutional amendment passed at the present session relative to the bond debt of the city of New Orleans," etc., be and is hereby approved and confirmed in all its parts as a contract between the city of New Orleans and the holders of the aforesaid Constitutional Bonds, Premium Bonds and of the bonds outstanding not retired as aforesaid.

SEC. 2. *Be it further resolved, etc.,* That the city of New Orleans be and is hereby authorized and empowered to examine into and assume the payment of the claims or obligations of the Board of School Directors for the city and parish of Orleans due for the years 1880, 1881, 1882, 1883 and 1884, now in the hands of original owners, who have in nowise parted with their right of ownership, or pledged the same, as may be found to be equitably due

by said board for services rendered, labor performed, or materials furnished by authority of said board.

SEC. 3. *Be it further resolved, etc.,* That all electors voting at said election for said amendment shall place upon their ballots the words: "For the city of New Orleans debt amendment," and all electors voting at said election against said amendment shall place on their ballots, "Against the city of New Orleans debt amendment."

AN ACT

To carry into effect the constitutional amendment passed at the present session of the Legislature, relative to the bond debt of the city of New Orleans, and to authorize and direct the said city to issue through the Board of Liquidation of the city debt 4 per cent. bonds to be known as the Constitutional Bonds of the city of New Orleans, payable fifty years from date; and to direct the retirement of the now outstanding bond debt of said city, Premium Bonds excepted, by the sale of said Constitutional Bonds and application of proceeds by the Board of Liquidation to the payment of said outstanding bonds, Premium Bonds excepted, and to the payment also of certain judgments against the city on floating debt claims created prior to 1879 and to authorize the purchase by said board of said outstanding bonds, other than Premium Bonds, or the exchange thereof for said Constitutional Bonds, and for the payment of said Constitutional Bonds and of the aforesaid outstanding bonds not retired under this act, and for the payment of the annual allotment of Premium Bonds and premiums; to direct the levy and collection by the city of the tax of 1 per cent. now levied for the bond debt, and to direct the payment to and application by the Board of Liquidation of said taxes, to the purposes aforesaid for which it is levied, and to provide a sinking fund for said Constitutional Bonds; and for the disposition of the surplus of said tax not required for the aforesaid bond debt, and to recognize said tax as the contract right of the holders of the aforesaid bonds, and to recognize also the exemption of said Constitutional Bonds from all taxation, and to define the functions and powers of said Board of Liquidation.

WHEREAS, Due notice of intention to apply for the passage of this act having been advertised, as required by Article 48 of the Constitution.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That, in order to provide for the retirement of the outstanding bond indebtedness of the city of New Orleans, and such other indebtedness as under existing laws is or becomes entitled to be funded into any series of bonds, always saving and excepting, however, the bonds known as Premium Bonds, the city of New Orleans is authorized, empowered and directed to issue bonds to the amount of ten million of dollars, nine thousand of which bonds shall be for one thousand dollars each, and two thousand of which shall be for five hundred dollars each, to be known as the "Constitutional Bonds of the City of New Orleans," dated July 1, 1892, payable fifty years after date, with the

right to call by lot not more than seven hundred thousand dollars per annum after the year 1925, bearing four per cent. per annum interest, payable semi-annually and represented by interest coupons attached thereto.

Said bonds shall be numbered, those of one thousand from one to nine (9) thousand, and those of five (\$500) hundred each from one to two thousand (2000), and shall be signed by the Mayor and Comptroller of the city of New Orleans, and delivered to the Board of Liquidation of the City Debt, to be used for the purposes aforesaid in accordance with the provisions of this act.

Each of said bonds shall, at the time of its issuance by the said Board of Liquidation and not at any time anterior thereto, be countersigned by the president and secretary of said board; and a daily report shall be made to the Mayor by said secretary of the number of the bonds so countersigned and delivered, and the purpose for which they were issued.

These daily reports shall be laid before the City Council by the Mayor; and the Finance Committee of said Council is required to examine and verify said reports at least once a month, and to report the result of their examination and verification to the Council.

SEC. 2. *Be it further enacted, etc.*, That the Board of Liquidation is hereby authorized and empowered to sell and dispose of such amounts of said Constitutional Bonds as may be deemed requisite for the purposes hereinafter expressed, the sales of bonds to be made on sealed proposals or bids to purchase to be invited by advertisements published at least five times during the period of thirty days in one or more newspapers in the city of New Orleans and the city of New York, and no sale to be made before said delay and advertisement, the bonds to be sold to the highest bidder if the bid is deemed acceptable, but the board is to have the right to reject all bids, the bonds to be sold at the highest premium obtainable, and no sale shall be made at less than par.

Said advertisements shall provide that all accepted sales shall be consummated by the payment of the price bid, and the delivery of the bonds purchased at least three days before the date of the maturity or of the call date of the bonds that are proposed to be purchased with the funds derived from the sales; where bonds are sold to pay judgments as hereinafter provided, the advertisements shall provide for the payment of the price, and the delivery of the bonds on a fixed day, and all past due interest coupons on the bonds sold shall be cut off and canceled before delivery to the purchasers, and provided no sale of said Constitutional Bonds shall be made more than thirty days in advance of the period when the funds are needed for the payment or purchase of bonds.

SEC. 3. *Be it further enacted, etc.*, That all the funds received by said Board of Liquidation from the sale of Constitutional Bonds

shall be immediately deposited with the fiscal agent of the city of New Orleans, or if the fiscal agent is not satisfactory in the opinion of the board, with a chartered depository selected by the board, to the credit of a special fund called the "Bond Sales Fund," which said fund shall be used solely and exclusively for the purpose of retiring by payment all the said now outstanding valid bonds of the city of New Orleans matured or subject to be called, including the certificates or bonds issued under the fourth section of the Act No. 58 of 1882, and including judgments now or hereafter rendered on floating debt claims prior to 1879, entitled to be funded under Act No. 67 of 1884, but excluding premium bonds issued under the Act No. 31 of 1876, not to be retired under this act, and the interest upon all said bonds subject to call shall cease after publication of the calls, as now provided by existing laws; no check shall be honored on said fund unless accompanied by a certificate signed by the president and secretary of said board, describing the bonds it is intended to retire, and certifying that said bonds have been surrendered to said board and canceled, or describing the judgments to be paid and annexing a certificate of its satisfaction.

SEC. 4. *Be it further enacted, etc.*, That after the payment of all aforesaid outstanding bonds subject to call or matured, as provided in section 3 of this act, the Board of Liquidation with the fund derived from the sale of Constitutional Bonds shall have the power to purchase the unmatured outstanding bonds of the city, premium bonds always excepted, and to this end, the board, by advertisement published once a week in one or more newspapers in the city of New Orleans and the city of New York for the space of thirty days, shall invite sealed proposals from the holders to sell said outstanding bonds, and the board is authorized if deemed judicious to purchase said outstanding bonds at the lowest price named in the proposals, but is to be under no obligation to accept, but may in its discretion reject any and all proposals; no purchase of outstanding bonds shall ever be made without the assent of the City Council, and in case of said purchase the check for the purchase price of the bonds shall be accompanied by a certificate signed by the president and secretary of said board, describing the bonds purchased and certifying that the bonds have been surrendered and canceled, and provided further that no purchase of said outstanding bonds shall ever be made at any price higher than the face of the bond with accrued interest.

SEC. 5. *Be it further enacted, etc.*, That after the payment of all the aforesaid outstanding bonds subject to call or matured, as provided in section 3 of this act, the board is hereby authorized and empowered to exchange for the valid outstanding bonds of the city of New Orleans, save and accept premium bonds, such an amount of the Constitutional Bonds as may be requisite for the

purpose of said exchange, said exchange of the Constitutional Bonds issued under this act for said bonds surrendered in exchange to be made on the terms and conditions as follows: The board by advertisement inserted in one or more newspapers in the city of New Orleans and city of New York, to be published three or more times for and during the space of thirty days, shall invite proposals to exchange said outstanding bonds for the Constitutional Bonds authorized by this act; the board shall be under no obligation whatever to accept any bid or proposal, but in its discretion is hereby authorized and empowered only if it sees fit to exchange said Constitutional Bonds at the lowest price or rates of exchange specified in the said bids or proposals for said bonds surrendered in exchange; provided, however, the board shall use its best efforts to secure as high a premium as possible for the said Constitutional Bonds, and in no case shall said Constitutional Bonds be exchanged at any rate less than the par thereof, and provided further, that no exchange shall be made for said bonds surrendered at higher than their par with accrued interest, and provided further, that a *proces verbal* shall be prepared and put on file by the board of the numbers and amounts of the bonds surrendered in exchange and at the rate at which they were surrendered, and of the numbers and amounts of the Constitutional Bonds issued in exchange, and the rate at which they were issued, stating also the date of the exchange, and provided further, that no exchange shall ever be made without the previous assent of the City Council.

SEC. 6. *Be it further enacted, etc.,* That all bonds retired under the provisions of this act shall be immediately canceled by perforating the same and the attached coupons; and such canceled bonds and coupons shall not be destroyed but shall be kept by said board as vouchers, and shall be pasted in the bonds books, in accordance with the system, and for many years past in vogue in the conduct of the business by said board.

The same method shall be pursued with reference to all bonds and coupons retired with the sinking fund herein provided, and all coupons paid year by year.

SEC. 7. *Be it further enacted, etc.,* That in order to provide for the payment of the principal and interest of the Constitutional Bonds, herein authorized to be issued, and of all other outstanding valid bonds of the city of New Orleans, it shall be the duty of the Council and proper officers of the city of New Orleans to levy, for the year 1892, and annually thereafter, until the principal and interest of the bonds, herein provided to be issued, are fully paid, a special ad valorem tax of one per cent. upon all the taxable property, real, personal and mixed, in the city of New Orleans; said special tax to be a part of and not in addition to the tax of twenty mills and two-tenths of a mill on the dollar of valuation now levied for all purposes by the city of New Or-

leans. The proceeds of said special tax shall be paid over to the fiscal agent or depository of the Board of Liquidation, to the credit of said board, day by day, as the same is collected by the proper officials of said city; and neither the said city, nor any of its officers, shall have the custody, control, disposition or expenditure of said tax, or any part thereof, except as herein provided. In case the said city, at any time, shall fail for neglect to levy and collect said special tax, or in case the municipal government of the city should be abolished, or in case present territory of the city of New Orleans should be transferred to other municipal corporations, and no proper and efficient provision is made by law to compel those municipal governments to levy and collect said special annual tax of one per cent.; or, in case said municipal corporations refuse or neglect to exercise to this end a proper and efficient taxing power bestowed upon them, then, in any of these events, the said Board of Liquidation shall itself, by proper resolution, have power to levy said tax and to collect the same; and in said levy and collection to use any and all the machinery, rights, powers and authority established by the State for the levy and collection of the State taxes; and in case it should become necessary under the above mentioned or similar circumstances, for the said Board of Liquidation to levy and collect said tax, and said board should refuse or neglect to do so, any court of competent jurisdiction shall, on application of any bondholder, have power to decree the levy of said special tax throughout the said territory and to have the same collected by the sheriff or executive officer of the court, and the proceeds applied to the payment of the interest and principal of said bonds. In case any such decree is entered, the sheriff or executive officer of the court shall have all the powers, rights and authority granted by law by the State to her own tax collectors.

SEC. 8. *Be it further enacted, etc.*, That out of the proceeds of said one per cent. per annum tax, beginning in the year 1892, the said Board of Liquidation shall annually provide for the carrying of the premium bond plan, the payment of the interest upon the bonds herein authorized to be issued and of the interest upon all other outstanding interest-bearing bonds of the city of New Orleans, and after the year 1925, for the annual sinking fund necessary to call and retire the number of bonds provided for in section 9 of this act. After making in each year the provisions above required, and after deducting the expenses incurred by said board, and after paying any deficiency in the interest fund of any previous years, one-half of the surplus of said tax shall be passed to the credit of a special fund to be known as the "Permanent Public Improvement Fund," to be disposed of as hereinafter provided; the other half of said surplus shall be paid

over to the School Board of the city of New Orleans, in addition to any fund appropriated by said city out of other funds to be used in the maintenance and support of the public schools in said city.

SEC. 9. *Be it further enacted, etc.*, That, commencing with the year 1926, five hundred thousand dollars of Constitutional Bonds shall be annually called and retired by said board in the manner herein provided, with funds derived from the proceeds of said tax of one per cent.; and commencing with the year 1937, seven hundred thousand dollars of said Constitutional Bonds shall be annually called and retired, in the manner herein provided, with said funds. In order to determine each year what bonds shall be called and retired, the number of all outstanding bonds shall be placed in a wheel on the first Monday of July in each year, commencing with the year 1926, and five hundred numbers, or seven hundred numbers, as the case may be, shall be drawn out, two numbers of the five hundred dollar bonds counting as one. The numbers of the bonds so drawn shall be published in New York and New Orleans for thirty days, together with a notice that said bonds must be presented for payment on the ensuing first of January; and that after that date all interest will stop on said bonds. All bonds so paid shall be canceled as soon as delivered to said board in the manner specified in section 6 of this act, and detailed report thereof made by the Secretary of the board to the Mayor, who shall lay the same before the Council for examination and verification by the Finance Committee thereof.

SEC. 10. *Be it further enacted, etc.*, That the "Permanent Public Improvement Fund," above provided for, shall be used exclusively for the construction of permanent public improvements in the city of New Orleans, such as levees, canals, drainage stations, pavements, public buildings, public parks and bridges, and all ordinances passed by the City Council to be paid out of this fund shall first be approved by the said Board of Liquidation, who shall not draw any check on said fund unless they are convinced, upon proper inquiry, that said ordinance covers the construction of a permanent public improvement, within the purview of this act. The true interest and meaning of this clause is not to give said board any authority to say to what permanent public improvement any fund shall be applied, but only to see that said funds shall be applied exclusively to the construction of improvements that are permanent.

SEC. 11. *Be it further enacted, etc.*, That the Board of Liquidation of the City Debt, established by Act No. 133 of the Acts of 1880, as now constituted, is hereby created a body corporate, with right of existence and succession until January 1, 1943, with power to sue and be sued, to have a corporate seal, to make reasonable rules and regulations for the conduct of its business, and to employ counsel and a reasonable clerical force. None of

its members shall receive any compensation for his services. One of its members shall be elected president, and another vice president, who shall act in the absence or disability of the president. They shall select a secretary (not a member of the board), who shall give bond for the faithful performance of his duties in the sum of twenty thousand (\$20,000) dollars, and this bond shall be renewed every three years. He shall receive a salary to be fixed by the board, not to exceed thirty-five hundred (\$3500) dollars per annum, and shall hold his office at the pleasure of the board. Their funds shall be deposited with the fiscal agent of the city of New Orleans, or with some chartered bank in the city of New Orleans selected by the board. The city of New Orleans shall provide, in the city hall or elsewhere, proper offices and quarters for said board and its officers, books, records and archives. The clerical office expenses, counsel fees and the cost of all printing and engraving bonds under this act shall be paid from said tax fund. On the first of January and July of each year said board shall make in printed form to the City Council a detailed report of all its receipts and all its expenditures, and of its transactions and doings under the provisions of this act, with the names of all its employees and the amount of compensation paid to each. Nothing in this act contained shall be construed to affect or change in any manner the duties, powers and functions of the Board of Liquidation under existing laws not inconsistent with this act, or the rights of said board to the assets and property of the city not dedicated to public use, including the uncollected taxes prior to 1879; but said duties, functions, rights and powers are maintained and confirmed in full force.

SEC. 12. *Be it further enacted, etc.,* That any member of said Board of Liquidation who removes his domicile from the city of New Orleans, or who is convicted of any crime against the State, or who is declared insolvent or bankrupt, or who becomes incapacitated to perform his duties, shall forfeit his membership, and it shall be the duty of said board to declare his membership vacant, and to elect his successor. Any member may be removed by a two-third vote of the whole board, for misfeasance, malfeasance in office, or for neglect of his duties as a member; or he may be removed on similar grounds by any court of competent jurisdiction at the suit of any bondholder or ten taxpayers.

SEC. 13. *Be it further enacted, etc.,* That in case all, or the majority of the members of said board, should, for any reason become vacant, so as to prevent a quorum of said board, any court of competent jurisdiction shall have power and authority, on the application of holders of at least ten thousand dollars (\$10,000) of said Constitutional Bonds, to be had contradictorily with the city of New Orleans and the surviving members of the board, if any there be, to fill enough of said vacancies to constitute a quo-

rum, and the quorum so obtained shall fill the remainder of the vacancies.

SEC. 14. *Be it further enacted, etc.,* That said board shall have power, with the concurrence of the City Council, to make and publish reasonable and proper rules for the registry of the bonds to be issued under this act.

SEC. 15. *Be it further enacted, etc.,* That said Constitutional Bonds shall be exempt from all taxation, State, parish and municipal.

SEC. 16. *Be it further enacted, etc.,* That all of the substantial provisions of this act are hereby declared to be a contract between the State of Louisiana, the city of New Orleans, the taxpayers of said city and each and every holder of said Constitutional Bonds.

SEC. 17. *Be it further enacted, etc.,* That the Board of Liquidation shall immediately cease extending outstanding bonds under the act No. 58 of 1882.

SEC. 18. *Be it further enacted, etc.,* That nothing in this act contained shall be construed to affect or disturb, in any manner, the existing right to the tax now levied for premium bonds and for said outstanding bonds, not retired, said tax being preserved in full force, and the payment of the allotments of premium bonds and premiums extant in the hands of holders, and of the interest and principal at maturity of all outstanding bonds that may be retired under this act, shall continue as now directed under existing laws; said tax of 1 per cent. being levied for premium bonds and outstanding bonds, not retired, as well as for the aforesaid Constitutional Bonds substituted for the outstanding bonds paid, purchased or retired by exchangers under this act.

SEC. 19. *Be it further enacted, etc.,* That the general provisions of this act shall not take effect until the adoption of the aforesaid constitutional amendment; provided, however, that portion of the act prohibiting the further extension of bonds under the act No. 58 of 1882 shall go into effect immediately, and all law or parts of laws contrary to or inconsistent herewith be and the same are hereby repealed.

CITY EMPLOYEES—See EMPLOYEES.

CITY HALL PORTER—See PORTERS.

CITY LIBRARIAN—See LIBRARY.

CITY LAWS—See ORDINANCES.

CITY PHYSICIAN—See PHYSICIANS.

CITY PARKS—See PARKS.

COCK-PITS—See AMUSEMENTS.

COFFEE-HOUSES—See BARROOMS AND RESTAURANTS.

COMMISSIONERS OF FINK ESTATE—See ALMS-
HOUSES, ETC.

COMMISSIONERS McDONOGH ESTATE — See
ALMSHOUSES, TRUST FUNDS, ETC.

COMMISSIONERS' JURY—See JURY COMMISSIONERS.

COMMON COUNCIL.

THE COUNCIL.

See Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 29, 30, 31, 37, 38, 40, 41, 43, 52, 63, 64, 65 of the City Charter.

ART. 470. The Council shall not, under any pretext Limit of ex-
penditure. whatever, appropriate any funds for the government of the corporation to the full extent of the revenues, but shall reserve twenty per cent. of said revenues, which reserve and all sums, rights, interests and credits received from miscellaneous or contingent sources, shall be appropriated by the Council for the purposes of permanent public improvement, as herein provided for.

DECISIONS.

Qualifications of members: 14 An. 243; 7 U. S. 1; 2 An. 527; 14 An. 330; 32 An. 101; 34 An. 128; C. C. 240, 429, 430.

Powers: 2 An. 611; 3 An. 294; 36 An. 938; 41 An. 156, 522, 910.

Impeachment: 4 An. 419; 35 An. 1075.

Liability: 36 An. 56; 41 An. 156.

Ultra Vires: 41 An. 75; 42 An. 605.

COMBUSTIBLES AND EXPLOSIVES.

PETROLEUM.

Storage and limits. **ARTICLE 471.** (1) That it shall be unlawful for any person to store or have stored, within the corporate limits of the city of New Orleans, outside of the limits hereinafter designated, any benzine, naphtha or other inflammable oils under the United States government standard of 110 degrees burning test.

A. S. 7399.
Oct., 1881.
A. S. 7461.
Nov., 1881.

Amended by **ART. 472.** (2) That, except as is provided in the above section, all benzine, naphtha and other inflammable oils under a burning test of 110 degrees, shall be stored only in the district bounded by Melpomene, Claiborne, Napoleon avenue and Galvez streets.

C. S. 381.

Quantity.
A. S. 7399.
Oct., 1881.

ART. 473. (3) That it shall be unlawful for any person to have stored within the corporate limits of the city of New Orleans, outside of the limits heretofore designated, any coal oil of a burning test of 110 degrees, or a burning test greater than 110 degrees, in quantities exceeding (5) five barrels, or its equivalent, in any one building, and the said five (5) barrels or its equivalent, herein allowed to be stored in any one building, shall be in metallic-bound packages or metallic cans, otherwise the party so storing shall be considered in contravention of this ordinance, and liable to penalties herein imposed.

Enforcement
of ordinance.

ART. 474. (4) That it shall be the duty of the Administrator of Police, as well as of all the officers and members of the Crescent City Police, to see that the provisions of this ordinance are rigidly enforced, and to that end it is hereby made the duty of any police officer to make affidavit of the fact before the proper Recorder, whose duty it shall thereupon be to issue a search warrant and to have the suspected premises inspected and examined.

Penalty.

ART. 475. (5) That any person violating any of the provisions of this ordinance shall, on conviction before the proper Recorder, be fined the sum of twenty-five dollars and imprisoned not less than five nor more than thirty days, at the discretion of the judge.

ART. 476. (6) That the provisions of this ordinance shall extend to any person who orders or permits a storage of the prohibited oils within the prohibited limits, whether that person be owner, pledgee or consignee of the same, or the agent of the owner, pledgee or consignee, or whether he be the owner or lessee, or the agent of the owner or lessee of the building where the same is stored. Scope of ordinance. Ib.

ART. 477. (7) That the storage of oils on the wharves, the streets or the sidewalks shall be construed to be a storing within the prohibitions and penalties of this ordinance. Interpretation. Ib.

ART. 478. (8) That whenever any such oil is found stored in contravention of this ordinance it shall be the duty of the officer to whom a knowledge of the fact comes to notify the responsible person to remove the same within six hours from the notice, and in case the said removal is not made within the time limited it shall be the duty of the Chief of Police to have the same removed at the expense of the responsible person. The failure and neglect of the responsible person to remove within the time given the oil so stored in contravention of this ordinance shall constitute an additional and separate offence from that of storing the same, and shall be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment for not less than five nor more than thirty days, or both, at the discretion of the court. Removal. Ib.

GUNPOWDER.

ART. 479. (1) It shall not be lawful for any person to keep any gunpowder, or offer for sale any gunpowder, without having previously obtained a license for that purpose. The Mayor shall grant licenses to vendors of gunpowder to sell by retail, who shall be permitted to have on hand no greater quantity than thirty pounds at any one time, said powder to be kept in a suitable tin or copper canister, to be labeled "Powder," in large letters, and the said canister must be kept on a shelf in sight, and within ten feet of the main entrance of the store. For this license ten dollars annually shall be paid. License to sell.
O. S. 3193.
Dec., 1856.

Wholesale
dealers.
A. S. 414S.
Oct., 1877.
Amending
O. S. 3193.

ART. 480. (2) The Mayor shall grant licenses to vendors of gunpowder by wholesale, who may keep on hand one hundred pounds, and no more, at any one time, and who shall not be authorized to sell any quantity less than a package; provided, that all wholesale dealers shall keep their powder in kegs or canisters, carefully packed in chests made of copper or of wood, lined inside and out with tin or zinc, riveted, and with handles, and labeled "Powder" in large letters, to be placed on the ground floor, within ten feet of the main entrance. For this license wholesale dealers must pay annually twenty dollars.

Proviso.

Ib. ART. 481. (3) Dealers in powder shall have a sign in large letters, containing the words "Licensed to sell powder" placed over the main entrance, or on either side of the entrance, in some conspicuous place.

Vessels for
conveying
powder.

Ib.

ART. 482. (4) All boats employed in the conveyance of gunpowder shall display at the stern or bow a red flag while there remains powder on the boat, and all powder so conveyed shall be carefully covered. Steamboats or other vessels receiving powder at this city in quantities exceeding fifty pounds shall not be permitted to remain at any wharf for a period exceeding four hours after the receipt of over fifty pounds, nor after sunset. No steamboat or other vessel containing powder for delivery in this city shall be permitted to touch or make fast to any of the wharves, unless such boat be decked so as to cover the powder, nor if the quantity on board exceeds twelve kegs, of twenty-five pounds each; and the Board of Harbormasters shall designate in each district the place of landing powder. It shall be the duty of all dealers in powder to deliver to the captains, or other officers of steamboats or other vessels receiving powder, a copy of this ordinance with each shipment.

Packing.

Ib.

ART. 483. (5) No person shall be allowed to pack up powder for shipment.

Conveyance
through city.

Ib.

ART. 484. (6) Powder conveyed through the city must be placed in a safely-covered chest, and no dray or cart or other vehicle shall carry at any one time more than one hundred pounds.

ART. 485. (7) It shall be the duty of the Mayor to publish once every year the ordinances of the Common Council and acts of the Legislature relative to the subject of gunpowder, and the Harbormasters shall distribute the same among the officers of steamboats, ships and other vessels.

Duty of Mayor.
Ib.

ART. 486. (1) That no railroad company or person shall transport gunpowder in cars through any portion of the city of New Orleans in any quantity exceeding one hundred pounds, unless the same is placed in safely-covered chests.

Transportation
in cars.
A. S. 1345.
Jan., 1872.
Delivery. Ib.

ART. 487. (2) That gunpowder may be delivered to railroad cars, or received from them in carts, drays or other vehicles as provided, or by boat, in the same manner as delivered to or received from sea-going vessels and steamboats.

Delivery. Ib.

ART. 488. (3) Any person violating any provision of this ordinance shall be fined not less than fifty dollars, nor more than one hundred dollars.

Penalty. Ib.

ART. 489. That permission be and is hereby granted to proprietors of powder magazines to transfer gunpowder from their magazines to the river bank for shipment in quantities of one thousand pounds or less; provided, that said powder so transported be carefully packed in fire-proof chests, made of copper or of wood, lined inside and out with tin or zinc, riveted, and with strong handles, and labeled "Powder" in large and conspicuous letters.

Transfer.
A. S. 4905.
Feb., 1879.

ART. 490. That the boats engaged in delivering powder from the magazines to the various railroads and steamboats in the city of New Orleans be allowed to lay at the wharf or landing designated by the Board of Harbormasters, between the hours of 10 A. M. and 4 P. M., each day in the week; provided, that at no time said boats be permitted to have or carry on board more than three hundred pounds of powder.

Hours for the
delivery.
A. S. 6610.
Sept., 1880.

POWDER MAGAZINE.

ART. 491. (9) The powder magazine shall be opened at sunrise and closed at sunset, except when in cases of

Hours.
O. S. 3193.
Dec., 1856.

emergency the Mayor may deem it necessary to give other directions.

Regulations. ^{Ib.} ART. 492. (10) No person shall be permitted to enter the powder magazine for the purpose of depositing therein or receiving therefrom gunpowder, except the owner of such powder or his duly authorized agents. All persons entering the powder magazine shall be obliged to use such precaution as the superintendent of such magazine may require.

Delivery of ^{Ib.} ART. 493. (11) The superintendent of said magazine powder. shall deliver no powder except at the written request of the owner or his duly authorized agent, and such delivery shall be made on the levee. All powder intended for the powder magazine shall be landed on the levee in front of the wharf of the magazine.

Charges. ^{Ib.} ART. 494. (12) The superintendent shall be entitled to charge the sum of three cents for each and every twenty-five pounds of powder received and delivered by him. The charge for storage in the magazine shall be at the rate of forty cents for each hundred pounds, for every calendar month, and the same for all fractions of months, except for powder received for reshipment in lots of not less than one hundred kegs, which shall be subject to a charge of twenty-five cents for each hundred pounds; provided, it is taken out within fifteen days, and in the same lots as received; storage payable monthly.

Exceptions. ^{Ib.} ART. 495. (13) All powder belonging to the Washington Artillery and the Orleans Battalion of Artillery shall be stored in the powder magazine, free of all charges whatsoever.

Penalty. ^{Ib.} ART. 496. (14) Every person violating any provisions of this ordinance shall be fined not less than fifty nor more than one hundred dollars.

Permit to C. ART. 497. That C. B. Penrose, agent Sycamore B. Penrose. Powder Company, be and is hereby authorized to erect A S. 7145. a building to be used as a powder-house, in the square June, 1881. bounded by Cambronne, Jefferson, Marks and New Canal shell road; said house to be built of brick, 12 feet by 18 feet, 8 feet walls above the floor and ceiled with

wood around the walls inside, with tin roof, plated doors, etc., and fence 7 to 8 feet high immediately around the building.

Said ordinance revocable at the pleasure of the Council.

TORPEDOES.

ART. 468. That from and after the passage of this ordinance it shall not be lawful for any person to land or discharge, or cause to be landed or discharged, at any of the wharves of the city of New Orleans, or to bring or cause to be brought or introduced within the corporate limits of the city of New Orleans, torpedoes or toys for children, or other articles filled with combustible or explosive material, and any person guilty of a violation of this ordinance or any of its provisions shall be subject to the payment of a fine not to exceed one hundred dollars for each and every contravention thereof or to imprisonment for a period not to exceed one month.

Prohibiting
introduction.
A. S. 1313.
Jan., 1872.

Penalty. Ib.

COMBUSTIBLES.

ART. 499. (2) It shall not be lawful to burn any shavings or other combustible matter in any street, square or public place, nor openly in any yard or lot near any inhabited place; and it shall be the duty of all persons engaged in any trade by which shavings are made, at the close of each day, on leaving off work, to cause the place to be swept and the shavings to be carefully removed to some safe position. All persons violating the provisions of this section shall be fined not less than five nor more than twenty-five dollars.

Shavings, bon-
fires, etc.
O. S. 3172.
Dec., 1856.

ART. 500. (3) No owner or occupant of any stable or dairy, or other persons, shall use, in any stable or place containing hay, straw or combustible matter, any lighted candle or other light, unless the same be securely kept in a lantern; nor shall any person keep any cotton, hay, straw, hemp, pitch, tar, rosin or turpentine in any warehouse, stable or other building not built of stone or brick, and covered with slate or tile or other incombustible material; nor shall any person keep any

Stables and
dairies. Ib.

cotton, hay or straw uncovered, stack or pile; provided, any person may keep for domestic use hay and straw in wooden buildings. All persons violating the provisions of this section shall be fined not less than ten dollars nor more than fifty dollars, and not less than five dollars for every day the violation shall continue, after notice from the Mayor or Street Commissioner.

Pitch, tar and
turpentine.

ART. 501. (4) It shall not be lawful for any person to boil any pitch, tar, rosin or turpentine, unless in an open space, at least thirty feet distant from any building, vessel or other property that might be injured thereby, or in a fire-proof building, under penalty of not less than five nor more than twenty-five dollars.

Hay, straw,
etc.
O. S. 3175.
Dec., 1856.

ART. 502. (5) No owner or occupant of any livery or other stable or dairy, within the city or suburbs; no cart driver, horse driver, nor any other person, shall use therein, nor in any place containing hay, straw or other combustible matter, any lighted candle nor other light, except the same be securely kept within a glass, horn or tin lantern, under a penalty of ten dollars for each offence.

STORING QUICKLIME, see *Lime*.

COMMISSIONERS.

SEE CITY CHARTER, CITY COUNCIL EMPLOYEES, FALSE ALARMS, FIRE, FIRE DEPARTMENT, KEEPERS, LABOR AND LABORERS, MARKETS, NEUTRAL GROUNDS, OFFENCES, PARKS, PRISONS AND JAILS, STREETS AND WHARVES.

COMMISSIONER OF POLICE AND PUBLIC BUILDINGS.

See CITY CHARTER, SEC. 25.

His duties.
City charter.

ART. 503. The Commissioner of Police and Public Buildings shall, so far as the Council may have authority, have in charge the House of Refuge and Correction, pounds and cemeteries and lighting of the city, and shall be vested with and perform such other functions and

duties as may be prescribed by the Council; provided, that no authority or duty herein conferred or imposed upon said department or upon the Council shall conflict with or impair any of the powers, duties and rights conferred by this act upon the Mayor. He shall have general superintendence of the schoolhouses, markets, slaughterhouses, prisons and police stations, and jails, workhouse, asylums, hospitals and all courts and public buildings, except the City Hall, which shall be under control of the Mayor and the several executive officers. He shall be vested with and perform such other functions and duties as may be prescribed by the Council. He shall report to the Mayor monthly the full details and workings of his department. He shall receive an annual salary of three thousand five hundred dollars. He shall, before entering upon the duties of his office, in addition to the oath required, give bond in the sum of twenty-five thousand dollars, with good and solvent securities, resident within the jurisdiction of the courts of the parish of Orleans, as shall be approved of by the Council, conditioned for the faithful discharge of his duties.

Bond and
salary.
Act 87.
July, 1834.

COMMISSIONER OF PUBLIC WORKS.

See CITY CHARTER, SEC. 24.

ART. 504. The Commissioner of Public Works shall have general charge and superintendence of all matters relating to waterworks, railroads, canals, levees, weights and measures. The fire department and manufactures, streets, sidewalks, pavements and wharves. The construction, cleansing and repair of the same. The construction and repair of bridges and drainage and hygiene of the city in so far as the same may be compatible with the laws and duties of the Board of Health, and shall be vested with and perform such other functions as may be prescribed by said Council. He shall report to the Mayor in detail the working of his department. He shall cause to be made from time to time, at least quarterly, a detailed statement, to be submitted to the Council, stating the conditions of the streets from

Duties of Com-
missioners of
Public Works.
City charter.

curb to curb, including the bottoms and grades of the gutters along which tracks are laid or railroads cross or pass; also the condition of the bridges, wings and crossings, whether the same be of iron or wood, also whether the grades of such railroad tracks, bridges and crossings are level with the surface of the street; also whether the natural drainage of any gutter is impeded by bridges or culverts over which said tracks are laid being too low or high, or for want of iron cross pieces being used for bridges in lieu of wood, or whether such natural drainage is impeded for want of bottoms in bridges, or whether such bottoms of bridges require to be lowered or raised. He shall, before entering upon the duties of his office, give bond in the sum of twenty-five thousand dollars, with good and solvent security, residing within the jurisdiction of the courts of the parish of Orleans, as shall be approved by the Council, conditioned for the faithful performance of his duties. He shall receive an annual salary of three thousand five hundred dollars.

Bond and
salary.

COMMITTEES, COUNCIL.

SEE CITY COUNCIL AND CITY CHARTER.

ART. 505.

Committee 1, to Consist of Five Members.

On Public Order; on Legislative and Legal Questions; on Bonds of Public Officials; on Parochial Relations; on Elections and Qualifications.

Committee 2, to Consist of Five Members.

On Finance; on Public Debt; on Syndicate.

Committee 3, to Consist of Five Members.

On Estimate of Expenses; Rate of Taxation; Preparation of the Annual Budget; on Assessment.

*Committee 4, to Consist of Five Members. **

On Public Health; on Abattoirs, Dairies, Stable, Cattle, Ranges and Pound Limits; on Vidangeurs, their

Apparatus, the Nuisance and Garbage Wharves and Boats.

Committee 5, to Consist of Five Members.

On Public Schools; on Libraries, Records and Archives.

Committee 6, to Consist of Five Members.

On Police; on Public Buildings, Private Buildings and Fire Limits for same; on Markets.

Committee 7, to Consist of Five Members.

On Fire Department, and Electrical or Telephonic Apparatus, as applied to Alarms and Messages; on Gas, Oil, Electricity, or other methods, as applied to the Public Lighting of the city.

Committee 8, to Consist of Nine Members.

On Streets and Landings; on Railroads, street or steam, their movements, connections and depots; on Steamboats, Ships, Steamships, Tugs, Barges, Elevators afloat, and all Water Craft.

Committee 9, to Consist of Five Members.

On Water; on Drainage, its Apparatus and Canals; on New and Old Navigation Canals; on Levees of River, Lake, Canals and Protection.

Committee 10, to Consist of Five Members.

On Public Improvements; on Squares; on Factories and Manufactories, Foundries, Mills, Refineries, Presses, Elevators ashore, Yards and Warehouses.

Committee 11, to Consist of Five Members.

On Charities, Retreats, Asylums, Hospitals and Alms-houses.

Committee 12, to Consist of Five Members.

On Prisons, Lockups, Jails, Refuge, Correction and Workhouses.

Committee 13, to Consist of Seven Members.

On Rules and Organizations of the various Departments of the City Government.

Extract from Minutes City Council, November 20, 1882.

COMPTROLLER.

See CITY CHARTER, SEC. 21.

Approval of
bills.
Sept., 1870.
A. S. 437.

ART. 506. (2) That all bills for work done and materials supplied shall be approved by the administrator of the department incurring the same, referring to the notarial contract, when any exists, and shall then be transmitted to the Department of Public Accounts. The administrator of that department shall examine and audit the same, and shall, on the first Tuesday of each month, present an ordinance to the Council embracing all such approved bills, and said ordinances shall specially apply to each department, and comprise the expenditures thereof of that character for the preceding month. Upon the passage of the ordinances by the Council, the Administrator of Public Accounts shall warrant upon the Administrator of Finance for payment of the accounts so approved and passed.

Contracts.

Ib.

ART. 507. (3) That whenever a contract shall have been adjudicated in any department and approved by the Council, it shall be the duty of the City Notary to furnish a notarial copy of the same to the Administrator of Public Accounts, numbered in regular series for each department, who shall cause an abstract of the same to be entered into a book to be called the Contract Book, and which shall be properly indexed and classified for convenient reference.

ART. 508. (4) In addition to the books hereinbefore mentioned, the Administrator of Public Accounts shall keep the books now to be described, as follows, viz.:

Register of
claims.

Ib.

(a) A "Register of Claims," in which shall be entered in the order of its reception from any department, the number, date, name of claimant, folio of contract book, nature of services performed, department from which received, and the amount of each claim and pay

roll received for audit and settlement. The said book shall also contain a column for remarks, in which shall be entered opposite each claim entered therein a statement of the action of the Council upon said claim, whether approved or rejected, and with reason for rejection.

(b) A note and bill book, in which shall be described each and every promissory note or bills receivable of every kind belonging to the city. Note book.
Ib.

(c) A paying warrant book, in which shall be registered in regular order, every warrant issued upon the Administrator of Finance, specifying the number of the warrant, date of issue, to whom issued, and the account against which it is drawn, with the number of the ordinance ordering the payment. Warrant book.
Ib.

(d) A receiving warrant book, in which shall be entered every receiving warrant issued for moneys collected on account of the city, specifying its number and date, to whom issued, the account to be credited and the sum received. Warrant book.
Ib.

(e) A cash book, in which shall be entered the daily transactions of the city, and which shall be balanced at the close of each week, and the balance compared with cash in the hands of the depository, called Fiscal Agent, in section thirty of the City Charter. Cash book.
Ib.

(f) A journal, in which shall be entered all transactions of the city which do not involve an actual payment or receipt of cash. Journal.
Ib.

(g) A ledger, in which shall be posted, under appropriate heads, the entries made in the cash book and journal, and which shall contain an account with each issue of bonds composing the funded debt of the city; and said ledger shall be balanced on the thirty-first of December of every year, after placing to the credit of the respective accounts the unpaid sums, if any, of all liquidated claims against the city, which shall have been approved prior to December 31, so that the balance sheet shall exhibit the exact condition of the assets and liabilities of the city at the close of each fiscal year, and such balances shall be carried forward to the credit of Ledger.
Ib.

the respective accounts of the ensuing year, to be provided for in the budget.

Ord. No. 1384, C. S., providing for the publication in pamphlet form of the pay rolls of the various departments, repealed by Ord. No. 4332, C. S.

SEATS IN COUNCIL—See *City Council*.

PETITIONS FOR PAVING AND PUBLICATIONS—See *Ordinances*.

DIVISION OF TAX BILLS, REAL AND PERSONAL—See *Taxes*.

CLERKS AND EMPLOYEES—See *Organization*.

IMPEACHMENTS—See *City Council*.

VACANCIES—See *Vacancies*—See *Contracts*.

CONDUITS.

Franchise.
Ord. No. 1391,
C. S.
Aug. 18, 1835.

ART. 509. That permission be and is hereby granted to the Southwestern Brush Electric Light and Power Company to place their wires, by means of which incandescent electric light may be supplied their customers, on a line with and under the sidewalks under ground, as near the outer edge thereof as practicable, and at no greater depth from the surface than eighteen inches, along the line of any one or more of the following streets, to-wit: on Canal street, both sides, from the river to Rampart street; on Royal street, from Canal to Bienville streets; on Baronne, Carondelet, St. Charles, Camp and Magazine streets, from Canal street to Girod street; on Union street, from Dryades to St. Charles street, and on Gravier street, from Dryades to Magazine streets.

Route.

Under super-
vision of the
Surveyor and
Commissioner
of Public
Works.

Ib.

ART. 510. (2) That all work to be done by said company under the provisions of this ordinance, including the restoring of the sidewalks which may be torn up or disturbed, and thereafter keep in repair the paving over said openings, shall be so done under the supervision and to the entire satisfaction of the Commissioner of Public Works and the City Surveyor.

Bond.

Ib.

ART. 511. (3) That said company shall execute a bond, with one or more good and solvent sureties, in favor of the city of New Orleans, in the sum of five thousand

(\$5000) dollars, conditioned the said company shall comply with the provisions of the preceding section (2).

ART. 512. (4) That in consideration of the said Lights furnished city for franchise. grant and privilege, the said Southwestern Brush Electric Light and Power Company shall furnish to the city of New Orleans incandescent electric lights during the continuance of this grant or privilege, free of any charge, as follows: Lights for the Council Chamber on all regular and special meeting nights of the City Council; lights to two committee rooms on regular and special meeting nights of Council Committees. That the lights so to be furnished shall be equal in number to those now in use in said Council Chamber and committee rooms. Ib.

ART. 513. (5) That said Southwestern Brush Electric Light and Power Company, or any firms or persons hereafter receiving similar privileges, occupying any street, alley or road with underground conduits, tubes, pipes, cables, electrical conductors or wires, shall be liable for all damages to gas and water mains, services and sewers, connection to sewers, and also for any damages caused by the opening of branches or condition of the street, alleys or roads, resulting from the laying of the conduits, tubes, pipes, electrical conductors, cables or wires, or making connection, for which the city of New Orleans would otherwise be held liable. Liability for damage to other parties. Ib.

ART. 514. (6) That when the city of New Orleans may desire to use or occupy any of the wires or conductors in any of the conduits, tubes, pipes or cables, for police, fire alarm or other municipal purposes, the said Southwestern Brush Electric Light and Power Company, or any firms or persons to whom privileges may hereafter be granted for laying of underground conduits, tubes, pipes, electrical conductors, cables or wires, shall furnish the Commissioner of Police and Public Buildings with one and not more than three conductors or wires upon thirty days' notice, free of any cost to said city. The Commissioners of Police and Public Buildings to have the whole and absolute control of such electrical Right of the city to use wires, etc. Ib.

conductors or wires as he shall select for the purpose named.

Annual pay-
ment.

ART. 515. (7) That on all wires or conductors placed
1b. under ground, excepting such as are used or owned by
the city of New Orleans, an annual payment of two
dollars and fifty cents (\$2.50) per mile or any part
thereof in length on conductors or wires for electrical
lighting purposes shall be paid to the City Treasurer on
or before the first Monday in January, 1886, and annu-
ally thereafter in advance; failure to make payment as
required within the time herein specified shall subject
the offenders to penalty of fifty (\$50) dollars per day for
each and every day thereafter until payment is made.
All penalties provided for in this ordinance shall be re-
coverable before any court of competent jurisdiction.

Charges on
underground
conduits.

ART. 516. (8) That an annual charge of five (5) cents
1b. per running foot on all underground conduits, tubes or
pipes for electrical conductors not exceeding twelve (12)
inches in diameter be made, and on all other conduits,
tubes or pipes for like purposes exceeding twelve (12)
inches in diameter an annual charge of ten (10) cents be
made, payable to the city of New Orleans at the same
time and under the same provisions as are provided in
section 7, for the payment of charges for conductors and
wires.

Penalty, etc.
1b.

ART. 517. (9) That if the said Southwestern Brush
Electric Light and Power Company should at any time
dispose of this franchise and consolidate with any other
company, said company shall forfeit all rights and
privileges granted by this ordinance, and shall be liable
to and shall pay to the city of New Orleans a penalty of
twenty-five thousand (\$25,000) dollars, to be sued on
and collected by the City Attorney. The company or
individuals buying from or consolidating with the afore-
said company shall be liable and pay to the city of New
Orleans the sum of twenty-five thousand (\$25,000) dol-
lars, to be sued out and collected as hereinbefore
prescribed.

Conduits, etc.,
to be clear of
other pipe.

ART. 518. (10) That the said company laying any
1b. conduits, tubes, pipes, cables, electrical conductors or

wires shall lay such conduits, tubes, pipes, cables, electrical conductors or wires clear of all other pipes.

ART. 519. (11) That this ordinance shall take effect from and after its passage.

When to take effect.

Ib.

CONSTRUCTION—See BUILDING.

CONTRACTS AND CONTRACTORS.

SEE BUILDING, COMPTROLLER, OFFENCES.

ART. 520. Any person or persons contracting with the Mayor and Common Council of the city of New Orleans for any work to be done in pursuance of law or ordinance, or any person or persons accepting any office of trust or emolument from said corporation, who are required by law or ordinance to give bond for the faithful performance of the duties devolving upon him or them, shall be and are hereby required to furnish security, who shall be possessed of real estate to the amount of the obligation of said bond, the corporation reserving the right of demanding additional security whenever deemed advisable.

Surety to possess real estate.
Aug., 1852.
O. S. 233.

See Act 41 of 1894, authorizing certain corporations to become surety upon bonds required to be furnished by law, and prescribing condition under which they may do so.

ART. 521. That from and after the promulgation of this ordinance there shall be inserted in all contracts for paving a clause requiring that work under same shall be commenced within three months from the signing of such contract, and progress at the rate of not less than three blocks per month till final completion. The contractor to furnish bond satisfactory to the Mayor or make cash deposit at his option to the amount of 10 per cent. of his contract, such bond or deposit to be given as surety for commencing and completing the work within the time herein specified; provided, however, the time which existing laws prohibit the tearing up of streets or time lost through opposition of State Board of Health shall not be computed.

Paving.
O. d. No. 3917,
C. S.
Aug. 27, 1889

City Surveyor to approve. ART. 522. That no such contract shall be signed by
 1b. the Mayor until after being approved by the City Surveyor as being in accordance with the plans and specifications on file in his office, and with all existing ordinances not in conflict with the specifications.

Repealing ordinance. ART. 523. That all ordinances or parts of ordinances
 1b. in conflict with this ordinance be and they are hereby repealed.

License to be shown. ART. 524. That in future all contractors bidding for
 Ord. No. 10,479, city work must show their license certificate to the
 Mar. 19, 1895. Treasurer, otherwise their bids will not be considered by the Finance Committee.

Contractors liable to pay license. ART. 525. No contract entered into with the city by
 Dec., 1868, parties liable to assessment for license shall be so construed as to operate as a release of such parties from
 N. S. 341. such liability, but on the contrary shall be deemed as having been formed with the distinct understanding of liability imposed or to be further imposed.

Duty of Comptroller. ART. 526. The Comptroller is authorized to insert a
 1b. corresponding clause among the considerations of all such contracts.

Non-fulfilment of contracts. ART. 527. It shall be the duty of the Surveyor to report
 Nov., 1852, to the Council the non-fulfilment of all contracts
 O. S. 455. in which the city may be interested.

Extra work. ART. 528. All claims against the corporation for extra
 Oct., 1852, work connected with contracts shall not be included in the
 O. S. 318. Surveyor's certificates to the contractors, but separate bills should be brought before the Common Council.

No bill for work approved unless done under approved specifications. ART. 529. That hereafter any person or persons contracting
 Ord. No. 1733, with the city, attempting or doing work for the
 C. S. city of New Orleans, under said contracts, are notified
 Apr. 6, 1886. that no bill will be approved unless said work is done under approved specifications.

All contract plans, specifications and notarial acts to be submitted to Council before consummation. ART. 530. That from and after the passage of this
 All contracts resolution no contract plan, specification or notarial act shall be consummated before the same shall have been
 printed at expense of contracting parties shall be printed at the expense of the contracting party, and copies laid upon the desks of the members before
 Ord. No. 1175, their final adoption and acceptance. All ordinances or
 C. S. Mar. 24, 1885.

parts of ordinances in conflict herewith are hereby repealed.

ART. 531. That the Comptroller be and he is hereby prohibited from offering for sale any contract for public works for materials or supplies to any of the departments, unless plans and specifications for same are first approved by the City Council.

Plans and specifications to be first approved by Council before sale.
Ord. No. 7113,
C. S.

ART. 532. That all paving of streets done by other parties than the city, the specifications of the work shall be approved by the City Council before the work shall have been commenced.

Approval of Council before commencement of work.
Ib.

ART. 533. That it is the sense of the Council that the legislative branch of this municipal government has no right to usurp the functions of the judiciary, and to pass upon the validity of contracts entered into by the present Council, or its predecessors, but should refer all such questions to the proper tribunals to be legally and judicially settled.

How abrogated.
Ord. No. 3474,
C. S.
Jan. 9, 1889.

Provided, That this resolution shall in nowise imply that the Council may not, at any time, test the legality of any contract of questionable character, or to take action for the revocation of any contract whenever the provisions of the same are not faithfully complied with.

ART. 534. (23) That all contracts for public works, or for material or supplies ordered by the Council, when the same exceeds five hundred dollars (\$500) shall be offered by the administrator of the department to which such contract pertains, at public auction, and given to the lowest bidder who can furnish security satisfactory to the Council, or the same shall, at the discretion of the Council, be advertised for proposals to be delivered to the administrator of the department to which such contract pertains, in writing, sealed, and to be opened by said administrator in the presence of the Mayor and the Administrator of Finance, and given to the person making the lowest possible proposal therefor who can furnish security satisfactory to the Council; provided, that the Council shall in either case have the right to reject all bids or proposals.

Contracts over \$500 to be adjudicated at auction or on sealed proposals.
City Charter, Sec. 23.

Finance Com-
m ttee.
Ord. No. 7122,
C. S.
Jan. 17, 1895.

ART. 535. (1) That the Finance Committee shall have the right and it shall be their duty whenever any bids are opened for any city contract or otherwise to take cognizance of the same without a previous reference to the Council, and to report their conclusion to the Council for final action.

City Notary
duty.

ART. 536. (2) That it shall be the duty of the City Notary to prepare the contracts to be signed ready to be submitted to the members of the Council at the next meeting after final action has been had on said report.

Take effect.
1b.

ART. 537. (3) That this ordinance shall take effect from and after its passage.

Return of de-
posits after
filing of cer-
tified copy of
contract.
Ord. No. 11,500,
C. S.
Oct. 22, 1894.

ART. 538. That the City Comptroller of the city of New Orleans be and is hereby prohibited from returning to any bidder or contractor to whom a contract may have been awarded, his certificate of deposit until he, such contractor, shall have left with the Comptroller a certificate from the City Engineer to the effect that a certified copy of such contract has been deposited in his office.

Specifications
to be forwarded
Comptroller.
Ord. No. 3335,
C. S.
Nov. 21, 1893.

ART. 539. That when specifications are adopted by the Council and the City Comptroller is directed by the Council to call for bids on said work, the City Engineer shall immediately forward a copy of such specifications for said work to the Comptroller's office, so he may be enabled to advertise intelligently for bids immediately; and it shall be the duty of the Clerk of the Council to notify the City Engineer of the action of the Council.

Mayor to ap-
point commit-
tee to investi-
gate and fam-
iliarize them-
selves with all
contracts.
Ord. No. 3607,
C. S.
Mar. 19, 1889.

ART. 540. That the President of the Council as chairman, with four members of the Council to be appointed by the Mayor, be and they are hereby appointed a special committee to investigate and familiarize themselves with existing contracts made by the city franchise given and the obligations thereby imposed; examine the manner in which same are being complied with or carried out, and report the result of their labors with such suggestions as they deem proper to the Council.

Provided, that nothing herein shall be construed as interfering with any investigation now in progress by any special committee of the Council.

ART. 541. That for the same purposes herein designated the said committee are hereby authorized and empowered to send for persons and papers, administer oaths, etc., etc.

Authorized to
send for per-
sons and
papers. Ib.

RESIDENT LABOR—See *Labor and Laborers*.

SPECIFICATIONS—See *City Surveyor*.

CORPORATION FRANCHISES AND CONTRACTS—See *City Charter*.

COTTON PRESSES AND PICKERIES.

See BUILDING.

ART. 542. (1) It shall not be lawful for any person or persons, without the permission of the Common Council, to erect within the limits of the city any building for a cotton press or cotton pickery, or to use any building or lot for that purpose, under the penalty of a fine of not less than ten dollars, nor more than twenty-five dollars for each day that such building or lot shall be used in violation of this ordinance.

Not lawful to
erect.
Dec., 1856.
O. S. 3150.

COURT OFFICERS.

ART. 543. That the police force of the city of New Orleans shall be the executive officers of the Recorders' courts within the limits of the city of New Orleans.

Officers of Re-
corders'
Courts.
A. S. 4823.
Dec., 1873.

ART. 544. (2) That immediately upon the issuance of any warrant from any Recorder's court the police officer charged with the execution of the same shall report the fact of issuance to the office of the Chief of Police, and shall also report to the same office the manner and time of executing the same as soon as possible after the execution.

Report to
chief. Ib.

ART. 545. (3) That the provisions of section 2 shall be construed as applying specially to the members of the police detailed to serve in the Recorders' court, as provided in section 5 of Act No. 131, of the extra session of 1877.

Construction
of ordinance.

ART. 546. (4) That any person connected with the

Penalty. police force of this city who violates the provisions of
 Ib. this ordinance shall be dismissed from the force.

FOR APPOINTMENT OF OFFICERS—See *Recorders*,

DUTIES—See *Recorders and Police*.

COURTHOUSES.

Advertise.
 Ord. No. 6050,
 C. S.
 Feb. 9, 1892.

ART. 547. That the Comptroller is hereby directed to advertise for thirty days in the official journal and one Chicago paper for plans for new court and jail building, in accordance with requirements, ground plan of site and other data in the office of the City Engineer, as follows:

Plans and spe-
 cifications in-
 vited.

To Architects and Builders—Plans and specifications are hereby invited from architects and builders for city buildings to be erected on square 303, bounded by Gravier, Common, Basin and Franklin streets, and to contain the following accommodations:

Criminal Court.

1. For Criminal Court—Courtrooms, two judges' offices, three rooms for district attorney's office, two court clerk's offices, two rooms for sheriff's offices, property clerk, porter, six docks for each court, one grand jury room, with separate entrance, and connection with each court; accommodation for two petit juries, consisting of sleeping room, sitting room, washroom and privies, place of detention for witnesses of each sex, three rooms for coroners' office, office for registrar of voters, and not less than four extra rooms, one of which to be not less than twenty feet square.

Parish prison.

2. Parish Prison—Cellrooms for 300 men and 50 women, preferably separate; yard room for three grades of prisoners of each sex, four condemned cells, chapel, hospital and drug store, two kitchens and storerooms, two office rooms and two visitors' rooms, sleeping and sitting accommodations for six men.

Police head-
 quarters.

3. Police Headquarters—Two offices for chief, offices for secretary, clerk, operator and batteries; storeroom and property room, three detective offices.

4. First Precinct Police Station—Captain's office,

clerk's office, property room, assembly room for drill of fifty men, four rooms for detention, lockup of ten cells, separating the sexes; stables for twenty horses, and wagon house.

First Precinct
Station.

5. Recorder's Court—Courtroom, docks for four grades of prisoners, judge's and clerk's office, affidavit room, property room. Particular attention must be given to the ventilation and lighting of the entire premises, as well as full provision for water closet and sewerage and drainage, with distinction for both sexes.

Recorder's
Court.

ART. 548. The accommodations can be arranged for one or more buildings. Each plan shall be accompanied by a clear description of the distribution, construction and material of the building or buildings; provided, that all materials used in the construction of said building or buildings shall be of the best quality, and all bricks used in the same shall be of hard burnt Tangipahoa or St. Tammany clay, except that terra cotta or first quality of repressed bricks may be used for fronts.

Description to
accompany
plan.

A plan of the proposed site can be seen at the office of the City Engineer.

Plans must consist of a plan of each floor and roof, longitudinal and transverse section, and at least one elevation, all perfectly in ink.

An expenditure of \$350,000 is contemplated by the city for these buildings.

ART. 549. Each plan must be accompanied by an agreement that the building or buildings shall be constructed by the party submitting same, for a sum within the amount to be appropriated, and for the amount stipulated in said bid, say (\$350,000) three hundred and fifty thousand dollars, which shall also include cost of plans, supervision, construction and interest; and as a guarantee a bond of (\$100,000) one hundred thousand dollars must be furnished by each bidder, and the special committee on court and jail building reserves the right to reject any and all plans, or to adopt any one submitted, and to contract for the erection of same.

Cost.

ART. 550. That upon the adjudication to the successful bidder by the Council of the right to construct the

Providing for new Criminal Court and Jail Building, authorized by execution of Ordinance No. 6050, C. S., the Mayor be and is hereby the contract, and payment of authorized to enter into a contract before the City Notary, to carry into effect the said adjudication, upon the the cost of same. Ord. No. 6143, C. S. Mar. 22, 1892. contractors furnishing bond with good and solvent security in the sum of one hundred thousand dollars, conditioned upon the faithful performance of the contract.

Appropriations.

ART. 551. That in order to provide the means for paying the three hundred and seventy-five thousand dollars, the proposed cost of said building and interest on deferred payments, the following appropriations are made:

1. The sum of \$125,000, or so much thereof as may result from the sale of St. Patrick's Hall and the old parish prison, including cash realized under ordinances of appropriation already passed, be and the same is hereby set aside and appropriated to be employed for the payments first to be made in cash on said contract, as provided in the specifications.

2. For the payment of the balance of the proposed cost of said building, to-wit: The sum of \$225,000 and interest at the rate of six per cent., the city hereby binds and obligates itself, and authorizes this obligation to be written in said notarial contract, to set aside and appropriate in the budget of each year for the years 1893, 1894, 1895, 1896 and 1897 as the first item payable out of the reserve fund (except for the year 1893, when it shall be the second item of the reserve fund), the sum of at least \$50,000 per annum (except in the year 1897, when at least \$25,000 shall be appropriated), and such other sum as may be necessary to cover accrued interest; and in case the sum appropriated out of the reserve fund of any year should not be realized by the first day of December of the following year, the city further binds and obligates herself to appropriate the deficiency out of the general budget for the year following the said first day of December.

Promissory notes.

ART. 552. That for all the payments to be made on said contract as per specifications, after the exhaustion of the cash item of \$125,000 above appropriated, the Mayor and Comptroller are hereby authorized and di-

rected to execute the promissory notes of the city of New Orleans to said contractor or order, bearing six per cent interest from date, payable at the rate of \$50,000 a year with interest out of the above appropriation, each note to state on its face, the appropriation for the year out of which it is to be paid. These notes are to be issued on the certificate of the City Engineer that the amount specified is due to the contractor under said contract.

ART. 553. That all of the appropriations above made and agreed to be made are declared to be a substantial part of the contract right of said contractor, and the builders' lien given by law to said contractor is not in any manner to be waived by the taking of the notes aforesaid, and the said lien shall of right be attached to and follow said notes in the hands of third persons.

ART. 554. That it is hereby made the duty of the Comptroller, or auditing officer, and the Treasurer, to set apart and keep as a distinct fund the proceeds realized from the sale of the St. Patrick's Hall and of the parish prison, and the moneys or collections which shall have been appropriated in each year pursuant to this ordinance, and such proportion of all collections of the revenue as are herein agreed to be appropriated in the budget for the payment of the notes aforesaid shall be carefully set apart by said officers as collected, and shall be warranted for by said Comptroller and paid by said Treasurer on the presentation and surrender of said notes without further direction or ordinance of appropriation.

ART. 555. That Ordinance No. 6143, C. S., be and is hereby amended as follows:

Strike out all of section 3 and insert in lieu thereof:

(3) That "for all payments to be made on said contract as per specifications after the exhaustion of the cash item of \$125,000 appropriated, or any other cash items that may be additionally appropriated thereto, the Mayor and Comptroller are hereby authorized and directed to execute the acknowledgments of indebtedness of the city of New Orleans to said contractor, or

Appropriations made, and to be made, part of agreement. Ib.

Funds to be set apart. Ib.

Amending Ord. 6143, C. S. Ord. No. 6234, C. S. Apr. 12, 1892.

\$50,000 a year.

order, bearing six per cent. interest from date, payable at the rate of fifty thousand dollars a year, with interest, out of the above annual appropriation, each acknowledgment of indebtedness to state on its face the appropriation for the year out of which it is to be paid.

Certificate of
Engineer.

"These evidences of indebtedness are to be issued on the certificate of the City Engineer that the amount specified is due to the contractor under said contract."

ART. 556. Strike out section 4 of said Ordinance No. 6143, C. S., and in lieu thereof insert the following:

Builders' lien.

(4) That all of the appropriations above made and agreed to be made are declared to be a substantial part of said contract, and the builders' lien given by law to said contractor is not in any manner to be waived by the taking of the acknowledgments of indebtedness aforesaid, and the said lien shall of right be attached to and follow said acknowledgments of indebtedness in the hands of third persons.

ART. 557. Strike out section 5 of said Ordinance No. 6143, C. S., and insert in lieu thereof the following:

Funds.

(5) That it is hereby made the duty of the Comptroller, or auditing officer, and of the Treasurer, to set apart and keep as a distinct fund the proceeds realized from the sale of St. Patrick's Hall and of the parish prison, and of the moneys or collections which shall have been appropriated in each year pursuant to this ordinance and such proportion of all collections of the revenue as are herein agreed to be appropriated in the budget for the payment of the acknowledgments of indebtedness aforesaid shall be carefully set apart by said officers as collected, and shall be warranted for by said Comptroller and paid by said Treasurer on the presentation and surrender of said acknowledgments of indebtedness, without further direction or ordinance of appropriation.

Accepting bid
of M. A. Or-
lopp.
Ord. No. 6235,
C. S.
April 12, 1892.

ART. 558. That the plans and specifications for a new courthouse and jail presented by M. A. Orlopp, Jr., of Dallas, Tex., be and the same are hereby accepted and approved, and the Mayor be and he is hereby authorized and directed to enter into notarial contract with the

said M. A. Orlopp, Jr., of Dallas, Tex., for the construction of said courthouse and jail in accordance with the plans and specifications submitted, together with such changes as may be suggested by the joint committees on finance, etc., special committee on new court house and jail, and sub-committee and the City Engineer, all of which are on file in the office of the City Engineer, and as per his bid of March 26, 1892.

ART. 559. That Ordinance No. 6273, C. S., be and the same is hereby repealed, and that the City Surveyor, in accordance with provisions of the city charter, be and he is hereby directed to superintend the construction of the new court and jail building to be erected by the said M. A. Orlopp, Jr.

Repealing
Ord. 6273, C. S.
Ord. No. 6636,
C. S.
Aug. 30, 1892.

ART. 560. That the contractor be and is hereby directed to allow all of the Schillinger pavement to be done by the city of New Orleans, and that the contractor be directed to oil all of the pressed brick and paint, all of the rough exterior walls, in a thorough and substantial manner, all as per communications between the City Engineer and contractor under date of January 4 and 5.

Brick to be
oiled.
Ord. No. 8619,
C. S.
Jan. 16, 1894.

ART. 561. That the contractor release the city of New Orleans from any and all claims of any profit on account of laying any Schillinger pavement in the court-yards or banquettes of the new courthouse and jail building, and will do all the oiling of the pressed brickwork, as also all painting of the rough exterior brickwork, for a sum amounting to two thousand seven hundred and fifty (\$2750) in excess of his contract price of \$350,000.

City released
from any profit
to contractor.
Ib.

ART. 562. That the Commissioner of Police and Public Buildings be and he is hereby directed to cause to be painted signs, indicative of the different courts and offices in the Criminal Courts Building, for the information of the public.

Signs.
Ord. No. 10,925,
C. S.
June 25, 1895.

ART. 563. That said signs be put on the transoms or in such manner and style as may be required by judges, District Attorney and others requiring such signs.

ART. 564. That said Commissioner do also cause to be put up in a style consonant with said building such

Bulletin board.
Ib.

bulletin boards at the entrances of said building as will enable any person to locate any office or court in said building on the same principle as the directory boards in the City Hall.

Sewer connections. ART. 565. That the Mayor be and is hereby requested
Ord. No. 9041, to make the necessary arrangements for the connecting
C. S. of a pipe with the pipe leading to the river from the
Apr. 24, 1894. Charity Hospital for the discharge of the sewerage from the new courthouse and jail buildings.

Appropriating \$6000. ART. 566. That the sum of six thousand dollars
Ord. No. 9394. (\$6000), or as much thereof as may be necessary, be
C. S. and the same is hereby appropriated from the new court-
July 3, 1894. house and jail building fund for the purchase of the right from Mr. D. H. Holmes to connect with his pipe at the intersection of Canal and Baronne streets, and for the making of the connection between the new courthouse and jail building and the pipe of Mr. D. H. Holmes.

Purchasing property, Ords. Nos. 5463, 5586, 5744, 5785, 5902, 5908, 5915, 6108, 6245, 6273.

Providing funds, Ords. Nos. 5794, 5804, 6108, 6245, 6252, 6981, 7063, 7233, 7343, 7509, 7569, 7684, 7811, 7859, 7982, 8116, 8293, 8294, 8874, 8903, 9056, 9119, 9249, 9293.

Sale of debris, Ord. No. 6257.

Plans and specifications, Ord. No. 7334.

Appropriations, Ords. Nos. 6885½, 7233.

Extra work, Ords. Nos. 7632, 7633, 7783, 7901, 7930, 8951, 9295.

Approving work, Ord. No. 8820.

Lights, Ord. No. 8195.

Furniture, Ords. Nos. 8248, 8545, 8630.

Schillinger pavement, Ords. Nos. 9093, 9256, 9376.

Iron gates, Ords. Nos. 9103, 9428, 9711.

Clock, Ords. Nos. 9391, 9392, 9565, 10,076, 11,228.

Sewerage, Ords. Nos. 9393, 10,014, 10,063.

Alterations, Ords. Nos. 9708, 9981.

Additional boilers, Ords. Nos. 10,527, 11,144, 11,351.

CIVIL COURT BUILDINGS.

Appointment of Committee on Ways and Means. ART. 567. That the Mayor be and is hereby directed
Ord. No. 8332, to appoint a special committee of seven (7) members of
C. S. the City Council, to be known as a Committee on Civil
Nov. 21, 1893. Courthouse Construction, which committee will proceed at once to thoroughly investigate, consider and adopt ways and means for the carrying to a successful issue the construction of a new courthouse for the civil judiciary.

ART. 568. That the Mayor be and he is hereby requested and authorized to appoint a special committee to consist of (9) nine members of the Council, who, together with the Commissioners of Police and Public Buildings, shall constitute a Special Committee on the New Civil District and Supreme Court Buildings, etc., to whom shall be referred all matters, of any nature whatsoever, pertaining to the contemplated new buildings proposed, and it shall be their duty to report to the Council, from time to time, on such matters as may come before them as more fully provided for under the rules of the Council.

Special Committee on new Civil District Court buildings
Ord. No. 10,177,
C. S.
Jan. 2, 1895.
Their duty.

DAIRIES—See STABLES.

DRAINAGE.

See SEC. 42, CITY CHARTER—(REPEALING ALL DRAINAGE LAWS)—LANDS AND LEVEES.

ART. 569. It shall be the duty of the Council, as soon as practicable, to adopt a plan for the thorough draining and keeping dry and free from lake and river water, and the rapid carrying off of rain and storm water for the entire area of the city of New Orleans. In adopting such plan of drainage, the Council shall impose a specific assessment for local improvements not exceeding the increase in the value of the property drained, occasioned by the drainage. In estimating the increase in value the assessment on the assessment rolls of the year after the work is completed shall be taken as the value after drainage, making allowance for improvements destroyed or erected. That such local or specific assessment for drainage shall be considered as a payment for benefit conferred, and shall have a first privilege on the property, superior to all other privileges or mortgages.

Duty of Council.
City Charter,
Sec. 43.

ART. 570. (1) That the different railroads throughout the city shall be required upon being notified by the Commissioner of Public Works to cause to be removed, within forty-eight hours from the service of notice, all

Removal of timbers and stringers.
Ord. No. 946,
C. S.
Oct. 7, 1884.

timbers or stringers of any description used in the construction of railroads and which may be declared by the said Commissioner of Public Works to be obstructions to a free and uninterrupted drainage; and that said timbers, stringers, etc., shall in every case be replaced by iron bars or plates, or by any material suitable for the purpose, under the direction of the Commissioner of Public Works and City Surveyor.

Penalty.

ART. 571. (2) That upon failure or neglect of any company to remove obstructions of the kind herein specified in section one hereof, and within the time specified, it is herewith made the duty of the Commissioner of Public Works to have the same removed as soon as practicable thereafter at the risk and expense of the company.

Under whose supervision.

ART. 572. (3) That in the construction or repairing of all bridges, or culverts over which railroad tracks are laid, the work shall be performed and carried on to completion under the direction of the Commissioner of Public Works, and in accordance with specifications to be prepared by the City Surveyor and kept on file in his office.

Repealing clause.

ART. 573. (4) That this ordinance shall take effect from and after its passage, and that all laws or parts of laws in conflict herewith be and the same are herewith repealed.

Provision for topographical survey.

Ord. No. 7170,
C. S.

Jan. 31, 1893.

ART. 574. That, by and with the approval of the Board of Liquidation, the sum of seventeen thousand five hundred dollars (\$17,500) from that portion of the surplus in the hands of said board, which, by section 10 of Article 110, of the Acts of the Legislature of 1890, is dedicated for public improvements, be and is hereby appropriated for the making of a thorough and complete topographical survey of the city of New Orleans, and to obtain all the necessary data requisite for the formulating of a complete plan of drainage.

City Engineer to submit plans.

ART. 575. That, immediately the information is obtained, the City Engineer will prepare and submit to the Council of the city of New Orleans a complete and comprehensive plan, with sufficient detail, to enable the

plan to be thoroughly understood, and in such form as to designate the manner in which the work can be executed by degrees, as money may be appropriated from time to time for the purpose of drainage, so that such money as is spent will be toward the ultimate completion of the complete plan.

ART. 576. That the Mayor shall appoint three (3) competent engineers to form an advisory board of engineers for the purpose of approving or disapproving of the plan proposed by the City Engineer for the making of the topographical survey of the city of New Orleans, and obtaining information necessary for the formulating of a plan of drainage, as also to thoroughly investigate and pass upon such plan of drainage as may be submitted to the City Council for approval, the compensation of this Board of Expert Engineers to be paid out of the fund provided for in this ordinance, which compensation is to be fixed by the Mayor, the chairman of the Water and Drainage Committee, and the chairman of the Finance Committee of the City Council.

Mayor to appoint Advisory Board.
Ord. No. 7350,
C. S.
Mar. 28, 1893.

Their duties.

ART. 577. That the City Engineer shall confer with the Mayor as to the expenditures, and will report every two weeks to the Council of the city of New Orleans of the progress of the work and expenses of same.

City Engineer to report to Council.
Ord. No. 7170,
C. S.

ART. 578. That the sum of one hundred and twenty-five thousand dollars, paid or to be paid by the New Orleans Traction Company, Limited, under ordinance No. 7472, Council Series, for franchise of street railroad as provided by Ordinance No. 7036, Council Series, be and the same is hereby appropriated and set aside to be used exclusively for drainage purposes.

Setting aside certain funds for drainage purposes.
Ord. No. 7543,
C. S.
May 9, 1893.

ART. 579. That from and out of the surplus of the taxes of 1892 to be derived by the city from the Board of Liquidation, the sum of \$17,500 be and the same is hereby appropriated for and to be applied exclusively to the expenses of topographical surveys, plans of canals, drains, excavations, machinery, or other objects necessary for drainage expenditure, said sum to be expended under such supervisions and restrictions as the Council shall prescribe.

Appropriations for topographical survey.
Ord. No. 7572,
C. S.
May 16, 1893.

Creating drain- ART. 580. That the sum of seven hundred thousand
age fund.
Ord. No. 8327, (\$700,000) dollars, derived from the sale of the franchises
C. S.
Nov. 21, 1893. of city railroads acquired by Henry Bier, be and the
same is hereby created a sacred fund to be devoted ex-
clusively and solely for drainage purposes.

Board. ART. 581. That the plans for the preliminary topo-
Ib. graphical survey, if the hereinafter Advisory Board
should deem the same necessary, as well as any plans of
survey or plans of drainage offered by civil engineers
or other parties, shall be submitted to the Advisory
Board, to be composed of Mr. H. B. Richardson,
present Chief State Engineer, Major B. M. Harrod, Mr.
Rudolphe Hering, Mr. R. M. Walmsley, Mr. J. C.
Denis and Mr. Edward Fenner (Albert Baldwin) for
approval or recommendation by said board to the City
Council; provided, that no plan of drainage shall be
finally adopted by the said Advisory Board, unless it re-
ceives the approval of a majority of the aforesaid City
Council. In case of the death of any member of the
Advisory Board herein named, the other member shall
select another person to act with them.

V a c a n c i e s
filled.

Clerk to notify ART. 582. That the Clerk of the Council is hereby
board. Ib. instructed to send a notice to the members of the afore-
said Advisory Board of the meetings of the Committee
on Drainage, in order that said members may be ad-
vised and enabled to be present at said meetings.

Plan of drain-
age approved.
Ord. No. 10991,
C. S.
July 10, 1895.

ART. 583. That the plan of drainage as submitted by
the Advisory Board be and the same is hereby approved
and accepted and made the plan of drainage to be put
in execution in the city of New Orleans, with this excep-
tion.

Broad street
canal.

That the Broad street canal and the provisions made
therefor, in making it the main canal for the drainage
system, be amended so as to conform to a plan sub-
mitted by the City Engineer, providing for the covering
of same.

Report of Ad-
visory Board
as amended
adopted.

ART. 584. That the plan and system of drainage for
the city of New Orleans, as recommended in their report
by the Advisory Board on drainage for the city of New
Orleans and as amended by plans of the City Engineer

relating to the covering of the main canal on Broad street, be and the same are hereby approved and ratified by the Common Council of the city of New Orleans.

ART. 585. That the City Engineer be and he is hereby directed to prepare detailed plans and specifications for the execution of the work as provided in this ordinance.

City Engineer to prepare plans and specifications

And the said City Engineer is hereby authorized to draw for the cost of the preparing of said detail plans and specifications, and continuance of said bureau from the funds in the treasury of the city of New Orleans set aside for drainage purposes, and the Comptroller be and he is hereby directed to transfer the sum of (\$5000) five thousand dollars from amount set aside for drainage purposes in accordance therewith.

City Engineer. Authorized to draw for payment of cost of preparing plans.

That out of the sum of \$17,500 appropriated for the surplus in the hands of the Board of Liquidation, under section 10 of article 110 of the Acts of the Legislature of 1890, for the purpose of providing for the drainage of the city of New Orleans,

That the sum of \$14,000 or so much thereof as is necessary be and the same is hereby appropriated for the making of a topographical survey of the city of New Orleans herein provided for.

Ord. No. 7571, C. S. May 10, 1893.

Ordinance 6688, C. S., repeals Ordinance 6407, C. S., setting aside certain funds for drainage purposes, under Act 110 of 1890.

ART. 586. That permission be and is hereby granted to the City Engineer to secure the services of Messrs. Rudolph Hering, B. M. Harrod and H. B. Richardson as consulting or advisory engineers on the plans and specifications for the drainage which he is now preparing.

Authorizing City Engineer to secure services of certain advisors, or consulting engineers. Ord. No. 11,480 C. S. Oct. 22, 1895.

ART. 587. That the remuneration for the services of these engineers be approved by his Honor, the Mayor, and paid out of the funds set aside for the drainage of the city of New Orleans.

Remuneration. Ib.

Appointment of Commission and defining its powers, Ord. No. 3555.

Ordering election on tax, Ord. No. 3688.

Drainage pumps, Orleans and Bienville, Ords. Nos. 2369, 5746, C. S.

Fifth District, Ord. No. 4272, C. S.

Bienville and Melpomene, Ord. No. 8235, C. S.

Advertising proposals, Ord. No. 5753, C. S.

Drainage account, Ord. No. 3508, C. S.

Drainage of section between Canal and Toulouse streets, Ord. No. 4556, C. S.

Closing drains on both sides Belt R. R. on Louisiana avenue, Ord. No. 5440, C. S.

Ordinance No. 1530, New Series. Approved August 18, 1869.

Ordinance No. 4376. Approved in 1859, and ordinance No. 5687. Approved 1861. Surveyor to take charge of all the draining machines.

Ordinance No. 6375. Approved in 1865; 6391 approved in 1865, and ordinance No. 2, New Series, relate to the contracts for running the draining machines.

Ordinance No. 4775. Approved July 30, 1859, made it the duty of City Treasurer to collect amounts due by property holders for draining.

Ordinance No. 5250. Approved July 9, 1860, relates to office for the Draining Commissioners.

Ordinance No. 362. Approved December 24, 1866. Surveyor to take charge of the draining machines.

Ordinance No. 481, New Series. Approved February 26, 1867. Sale of contract for digging draining canal for Bienville street draining machine, in place of Bayou St. John.

Ordinance No. 613, New Series. Approved June 18, 1867. Relating to Bienville street draining machine.

Ordinance No. 618, New Series. Approved June 18, 1867. Relates to London avenue draining machine.

Ordinance No. 1113, New Series. Approved November 4, 1868, and 1401 New Series. Approved May 1, 1869. Relative to opening and widening Orleans street for drainage.

Ordinance No. 1218, New Series. Approved January 9, 1869. Directing Surveyor to cut ditches on both sides Dumaine street for draining purposes.

Ordinance No. 1453, New Series. Approved May 21, 1869. To construct dredgeboats for use in draining. See also ordinance 1529, New Series. Approved August 1, 1869.

No. 3364, relating to machine in Third District.

No. 3527, relating to draining companies.

No. 3584, Surveyor to take charge of machine in First District.

No. 3731, release of claims of New Orleans in favor of certain parties.

Nos. 4149, 4163, 4440, levees and drains.

No. 4468, draining machine for Third District.

Nos. 4438, 4467, appropriation for machines and levees, Fourth District.

No. 5691, neglect of Commissioners to comply with statutes.

ACTS OF THE LEGISLATURE.

For statutes incorporating New Orleans and Ship Island Canal Company, see act approved October 27, 1868, p. 185, No. 148.

For acts repealing all laws creating draining districts in Orleans, etc., see Act 1869, No. 51, p. 49.

See also Act of 1835, p. 67; 1855, No. 118, p. 124; 1858, No. 165, p. 114; 1859, No. 56, p. 45; 1860, No. 205, p. 150; 1861, No. 33, p. 24; 1861, No. 34, p. 25; 1861, No. 57, p. 43; 1866, No. 136, p. 264.

DECISIONS OF SUPREME COURT.

Gutters and drains in the city of New Orleans are intended to carry off the water which falls from rains, or percolates through the ground, and they can be used by manufacturers as drains only when that use does not result in a nuisance; and this right is dependent upon the will of the local government. 5 An., p. 424.

In Eleventh Annual Report, p. 338, the whole subject of draining and drainage taxes is fully and ably discussed.

DEAD ANIMALS—SEE HEALTH.

DEAD BODIES—BY VIOLENCE.

See HEALTH AND QUARANTINE.

ART. 588. That whenever any person shall have come to his death by violence, or whenever the cause of death of any person shall be unknown, it shall be unlawful after the death of such person to touch or remove, or in any manner to disturb or alter the position or appearance of the dead body until the same shall have been viewed by the Coroner; provided, that any person who shall have knowledge of a drowned person, or shall find a corpse adrift, shall be authorized to take it ashore, and shall be required to cause notice to be given to the Coroner of the parish of Orleans.

Not to be disturbed.
Ord. No. 6720,
C. S.
Sept. 19, 1892.

ART. 589. That whoever shall violate the provisions of this ordinance shall suffer imprisonment in the parish prison for a term not to exceed thirty days, or be subjected to a fine of \$25, or both, at the discretion of the Recorder having jurisdiction.

DEAF, DUMB AND BLIND ASYLUM—

See ALMSHOUSES, ETC.

DETECTIVE AGENCIES.

ART. 590. That it shall be unlawful for any person, unless he is authorized and commissioned as hereinafter

Unlawful to actor hold oneself out as a detective unauthorized.

Ord. No. 5187,
C. S.
Mar. 31, 1891.

provided, to act as a private detective or private police officer or police agent, or to hold himself out to the public as such private detective, private police officer, or police agent, or to keep, or maintain or carry on or participate in the carrying on, the business of a private detective agency; provided, however, that this ordinance shall not apply to any person who acts in any particular matter, as an amateur detective in the public interest, without compensation.

Penalty.

1b.

ART. 591. That any person violating this ordinance shall be liable, on conviction before the proper Recorder, to a fine of twenty-five dollars, or imprisonment for thirty days, or both, or by imprisonment for thirty days in default of the payment of the fine.

Separate of-fences.

1b.

ART. 592. That each and every day in each and every separate case in which any person shall act in violation of the provisions of this ordinance shall be considered a separate offence, and shall be punished as such.

Application to City Council.
Ord. No. 5260,
C. S.
Apr. 21, 1891.

ART. 593. (4) That any person desiring to act as private detective in this city, or to establish and maintain a private detective agency herein, shall make application in writing to the City Council. If the Council approve the application by proper resolutions, then the Mayor shall commission the applicant upon his giving bond in the sum of five thousand dollars, with two sureties satisfactory to the Mayor, conditioned that he and all his employees will faithfully perform their duties to his constituents and obey the provisions of this ordinance; any person aggrieved shall have remedy on said bond, and it shall be renewed every two years; if not renewed at its expiration, the Mayor shall recall and cancel the commission issued by him.

Bond.

Take effect.
Ord. No. 5187,
C. S.

ART. 594. (5) That this ordinance shall take effect from and after its passage.

Repealing clause.

1b.

ART. 595. (6) That all laws or parts of laws in conflict with the provisions of this ordinance be and the same are hereby repealed.

DISTRICT ATTORNEY.

Fees to be budgeted and paid by city of New Orleans. Act 41 of 1884, p. 47.

Fees, when payable. Act 135 of 1890, p. 176.

Fees fixed. Act 29 of 1890, p. 23; Art. 134 of Constitution of State of Louisiana.

DITCHES—See FENCES.

DRIVERS AND DRIVING.

See FUNERALS, STREETS AND RAILROADS.

ART. 596. Any drayman, carter or other driver of any cart, dray, wagon, tumbril, lumber cart, wood cart, brick cart, or other vehicle whatever, public or private, who shall be guilty of running his horse or horses, mule or mules through any of the streets of the city of New Orleans, or driving at a faster gait when loaded than a walk, and when not loaded at a greater speed than a slow trot or pace, or shall turn any corner faster than a walk, shall be arrested and caused to pay a fine at the Recorder's office of either of the districts of this city of from ten to twenty-five dollars for each offence; and in default of payment of the above fine, the said driver shall be imprisoned for a term of not less than seven nor more than fourteen days. And it shall be the duty of the Chief of Police to place a competent force on the principal thoroughfares of the city, to enforce the provisions of the above ordinance; and it shall be the duty of the officer making such arrest to have the vehicle and animal or animals placed in the nearest city pound for safety until called for by the owner.

Fast driving,
Ord. No. 1913
O. S.
Dec., 1854.

ART. 597. All owners or drivers of carts or wagons, or other vehicles used in selling, conveying brick, bread, beer, porter, ale, water, etc., within the limits of the city shall be, and are hereby declared to be, liable to the same regulations and liabilities as the owners and drivers of drays, carts, etc., are by the present ordi-

What vehicles
included. Ib.

Speed. nances; and they are expressly forbidden to drive through any of the streets or roads of the city at a speed greater than a slow trot, or turn the corner of a street or road at a gait faster than a walk, under the penalties and fines imposed by the preceding article.

Must keep to the right.

ART. 598. It shall be the duty of all draymen, carters, **1b.** coachmen, and all other drivers or persons driving any coach, carriage, cab, hack, gig, buggy, wagon, dray, cart, tumbril or other vehicle whatever, whenever meeting any other carriage or vehicle, or any person on horseback, to take the right side of the street or road they may be in until such carriage or vehicle or person on horseback shall have passed, or until they have passed such carriage or person; and any person failing to do so, or in any manner contravening this article, shall pay a fine of not less than five nor more than twenty-five dollars.

Duty of driver in case of accidents.

ART. 599. That if any accident or injury shall happen on account of any dairyman or cartman, horse or horses, mule or mules, dray, cart, coach, cab, gig, buggy or other carriage whatever, while running, coming in contact with any person, it shall be the duty of such coachman, drayman, carter or other driver to stop and to render assistance, if necessary, and to give his name and place of abode, and number of his carriage or vehicle; and in default thereof he shall pay a fine of from ten to twenty-five dollars, or be imprisoned from seven to fourteen days.

Keep their seats.

ART. 600. Every drayman, cartman or other driver **1b.** of any dray, cart, wagon, car or other vehicle, is expressly forbidden, when driving through any of the streets or roads of said city, to leave their seats or quit hold of their reins, under penalty of a fine of ten dollars for each contravention.

Violence or insulting language.

ART. 601. Any proprietor, owner or driver of a dray, cart, hack, carriage or any other vehicle whatever, who shall use violence or insulting language, or who shall oppose an unlawful resistance to any of his passengers or employers, or any of the citizens, shall, on conviction thereof, pay a fine of twenty-five to one hundred dollars.

ART. 602. It shall not be lawful for any owner of any

public cab or carriage to drive, or cause to be driven, any cab or carriage by any person under fifteen years of age within the limits of the city; nor shall it be lawful to employ more than one person to drive any cab or carriage, or to ride upon the seat or box of said cab or carriage, unless a passenger; nor shall it be lawful for any owner or driver of any cab or carriage to leave his or their cab or carriage, or be at a greater distance than ten feet from the same, under a penalty of twenty-five dollars for each and every offence, recoverable as aforesaid.

Minors driving.
Ord. No. 1722,
O. S.
Ord. No. 5222,
O. S.
July, 1854.

ART. 603. That if any driver of any of the cars belonging to any of the railroads in the State of Louisiana shall, by his imprudence, negligence, or want of skill, cause any injury to any person, whether a passenger on said car or not, he shall be deemed guilty of a felony, and on conviction thereof shall suffer a fine not exceeding five hundred dollars, and imprisonment not exceeding one year, at the discretion of the court.

CAR DRIVERS AT INTERSECTIONS—See *Railroads*.

DUST.

ART. 604. That hereafter it shall be unlawful for any person, firm or corporation to operate any electric, trolley or other cars or trains on the streets of this city without first providing in some reasonable manner for the abatement of the dust caused by the running of their cars.

Abatement of dust.
Ord. No. 10,697,
C. S.
May 7, 1895.

ART. 605. That the companies, firms or persons now operating in this city be and they are hereby granted thirty days from the promulgation of this ordinance to thoroughly comply with its provisions.

Time granted to comply with ordinance.
Ib.
Amended by
Ord. No. 10,762,
C. S.
May 21, 1895.

ART. 606. That any person, firm or corporation violating this ordinance shall be fined twenty-five dollars or thirty days in jail, or both, at the discretion of the court having jurisdiction, and in default of payment of the fine to an additional imprisonment of thirty days.

Penalty. Ib.

DRUGGISTS—See MEDICINE, SURGERY, ETC.

ELECTIONS.

ACT OF LEGISLATURE.

SEC. 11. *Be it further enacted, etc.,* On or before the first Monday in October, 1894, the city government of New Orleans shall, by ordinance, divide the said city into election precincts within the different wards, and for that purpose, by ordinance, so arrange the boundaries of the wards as may be deemed convenient for the purpose of establishing the election precincts, which, when established, shall be the boundaries of the wards; each of said precincts to be composed of contiguous squares, and each precinct to be so arranged as to contain 400 registered voters as nearly as practicable as shown in the next preceding registration; they shall establish one polling place only in each precinct and shall establish precincts in each ward, and shall cause to be published an accurate description of the ward boundaries and election precincts above referred to within ten days before any election; they shall, by publication in three daily newspapers, give notice of the location of the polling places in each precinct, which polling places shall be as nearly as possible in the centre of the precinct; the boundaries and precincts to be fixed as above, not to be changed within six months prior to any general election.

Division of the city of New Orleans into section precincts. Duty of the City Council in relation thereto, how wards shall be divided into election precincts no change of the division to be made within six months previous to any general election.

Act 181 of 1894.

SEC. 12. *Be it further enacted, etc.,* That the election of each polling place shall be presided over by six commissioners of election, assisted by two clerks of election, resident and qualified voters of the precinct in which they are to act. The six commissioners shall be appointed not less than ten days prior to any election, as hereinafter provided. Said commissioners of election shall be selected from opposing political parties; provided, there be a sufficient number of each political party resident in the several precincts competent to fill said offices. That each political party shall have the right to designate one person at each election precinct, who shall at all times have access to the polling booth for the purpose of witnessing the voting as well as the counting of the votes.

Election to be presided over by six commissioners assisted by two clerks at each polling places; their appointment and qualifications.

SEC. 16. *Be it further enacted, etc.,* That at any election in the parish of Orleans the Board of Supervisors of Election, which said board shall consist of three members to be constituted as follows: one appointed by the Governor, one to be the Registrar of Voters of the parish of Orleans and the other to be the Civil Sheriff, shall, in appointing the commissioners and clerks of election, divide the six commissioners and two clerks into two sets, designating by name the appointees who shall form set No. 1, and

Manner of conducting election in New Orleans.

the other No. 2, each set consisting of three commissioners and one clerk. That on the opening of the polls, set No 1 shall receive the votes and conduct the election during the first four hours, using one of the ballot boxes for that purpose, and at the end of the first four hours the said commissioners and clerks shall remove the ballot box to the rear of the polling booth, but within the room within which the booth is located, and there proceed to count the ballots therein and enter on the tally sheet the total number of votes cast, the result of said election during the first four hours, which result they shall post in front of the poll so soon as ascertained for public inspection, giving the names of the candidates and the votes cast and counted for each. When said count for the first four hours is in process of being counted the ballots thus counted shall each be called, be strung on a string, cord or twine, and they, together with the tally sheet for the first four hours, shall be safely deposited in some place within the poll; when the first set of commissioners and clerks shall have retired to the rear of the polling place at the end of the first four hours, the second set of commissioners shall place the second ballot box in position, and shall proceed to conduct the election during the second four hours, and at the termination thereof shall in the same manner retire and count the ballots therein and perform in like manner the duties hereinbefore laid down for the first set, who, at the termination of the second four hours, shall replace the second set in the conduct of the election for the third four hours, again retiring at the termination thereof and being replaced by the second set, and said two sets of commissioners and clerks shall go on receiving the ballot, making the count and tally thereof and performing the other duties required by law, always alternating each four hours in the conduct of the election in the manner hereinbefore provided; the commissioners last on duty on the day of election shall serve for five hours instead of four; that it shall be the duty of the commissioners of election at each polling place to keep a list of the persons voting at such polling place, which list shall be numbered from one to the end; and said list so kept and numbered as aforesaid shall be signed and sworn to as correct by the commissioners immediately on the closing of the polls and before leaving the place or opening the ballot box containing the ballots deposited in the last hour; if no officer authorized to administer oaths be present to administer the oath to the commissioners, it may be administered by any voter, or if no voter be present by the commissioners to each other. Immediately after taking the oath as aforesaid the commissioners shall proceed to open the ballot box used during the last hour and count the votes therein, and shall perform the other duties hereinbefore laid down as for any other hour of the election, all in the presence of any voter or voters who may desire to be present.

SPECIAL ELECTIONS.

How and in what manner tax to aid in the work of public improvement or railway enterprise shall be levied in any parish, city or town. SECTION 1. That whenever one-third of the property taxpayers of any parish, city or incorporated town in this State shall petition the police jury, municipal or town authorities of their parish, city or town, to levy a special tax in aid of any work of public improvement or railway enterprise, the said police jury, municipal or town authorities shall order a special election for that purpose and submit to the property taxpayers of their parish, city or town, entitled to vote under the general election laws of the State, the rate of taxation and the purpose for which it is intended: provided, said election be held under the general election laws of the State at that time in force, and at the polling places at which the last preceding general election was held, and not sooner than thirty days after the official publication of the petition and ordinance ordering the election, both of which shall be made in the same manner as provided by law for judicial advertisements.

Act No. 84 of 1880.

Proviso.

How and in what manner a special tax may be levied in any parish, city or town for the erection or construction of public buildings, bridges or works of public improvement. SEC. 2. That a special tax may be levied by any parish, city or incorporated town in this State to aid the construction and erection of public buildings, bridges and other works of public improvement, to be erected and constructed within the limits of said parish, city or town, when a majority of the property taxpayers of their respective parishes, cities or towns shall vote therefor; provided, however, the property taxpayers of any parish may levy a special tax for building bridges over streams dividing their parish from any contiguous parish or State, and the property taxpayers of any city or incorporated town may levy a special tax in aid of works of public improvement or railway enterprise extending beyond the corporate limits of their city or town, but not beyond the limits of the parish in which said city or town may be situated.

Proviso.

How and in what manner a special tax may be levied. SEC. 3. That a special tax may be levied by any parish, city or incorporated town in this State in aid of any work of public improvement or railway enterprise extending within or beyond the limits of the State, when a majority of the property taxpayers in number and value shall vote therefor.

Duties of municipal authorities to promulgate the result. SEC. 4. That the police juries or municipal authorities ordering elections under this act shall, ten days after each election, make public and official promulgation of the result, and shall have the same power to enforce and collect any special tax that may be authorized by said election as may be by law conferred upon them for the collection of other taxes.

Ordinance No. 6230, C. S., repealed by Ordinance No. 6890, C. S., and provided for by Act 181 of 1894.

ELECTRIC LIGHTS—See LIGHTS.

ELECTRIC LIGHT AND POWER COMPANIES—

See LIGHTS, SPARK ARRESTERS, POLES, PRIVILEGES,
STREETS AND WHARVES.

BRUSH ELECTRIC LIGHT AND POWER COMPANY.

ART. 607. (1) That the Southwestern Brush and Electric Light and Power Company, organized under and by virtue of the laws of the State of Louisiana, to the end that it may be able to carry out and effect the object of said corporation and erect and establish electric lights in the city of New Orleans, for itself, its successors and assigns, shall have and possess the right, power and authority to erect and maintain in, over and through the city of New Orleans, and in, over and through all streets, highways, levees and public ways and places therein, all such wires, conductors and cables as shall or may become necessary to carry out the object and purpose of said corporation, and to establish and extend, as may be required, electric lights and a system of lighting by electricity and to furnish electric power in this city, and to supply the demand therefor, as the same may arise or grow up in the future, and may for this purpose construct and lay one or more cables across the Mississippi river, or across any other water or channel within the limits of the city, and land the shore ends of such cables at any convenient point or points within the city limits; and may erect all such poles or masts as may be or become necessary or expedient to carry out the purpose and object of said corporation, subject always to limitations and conditions contained in this ordinance.

Right of the
Southwestern
Brush Electric
Light and
Power Com-
pany.
Dec., 1881.
A. S. 7528.

ART. 608. (2) That all main lines and circuits shall be of copper or some other material of equal conductivity, and shall have and possess capacity to conduct electricity at least three times in excess of the estimated maximum quantity and intensity demanded by the cir-

Main lines and
circuits. Ib.

cuit to which the conductor belongs, and to maintain all lights on the circuit at their maximum illuminating power; and in no case shall the conductor of any circuit have a conducting surface or capacity of less than No. 8, English gauge copper wire, and all such wires or conductors shall be well and securely covered with a good insulating material, and well and securely insulated by glass or other insulating material at all points of suspension or support.

Not to ob-
struct streets.

ART. 609. (3) That all lines of wires, all poles, masts, the landing of the shore ends of all cable, as well as all other necessary works and constructions, shall be located and constructed so as not to obstruct the public use of the streets, levees and public places or to interfere with commerce or travel.

Wires and con-
ductors.

ART. 610. (4) That in all cases where the wires or conductors on any of the circuits shall enter any building, such conductor shall be carried into the building without any reduction of its size or conductivity at the point of entry, and in all cases where, in entering, the wire shall come near the structure of such building, it shall be well and thoroughly insulated, and at all points where such conductors shall come in contact with or pass through wood in entering such building, the same shall have at that point an extra coating of rubber or other insulating material, at least one-eighth of an inch in thickness, outside of the wire, and this extra coating shall envelop the wire as far as it shall continue to pass through wood; and no wire or conductor shall have any joint within four feet of the point where such conductor enters any building.

Globes.

ART. 611. (5) That all lights fed by electricity shall be securely enclosed in glass or porcelain globes, and so protected at the top as well as at the bottom that it will be impossible for a spark from the burning carbon points to escape.

Duty of Ad-
ministrator of
Police.

ART. 612. (6) That it is hereby made the duty of the Administrator of Police to have inspected all lines of wire and conductors erected or in use by said corporation, and to ascertain whether the same are erected and operated

as required by this ordinance, and to cause the same and all the provisions thereof to be obeyed and observed; and in case it is reported that the said wires are so run or fastened as not to be safe in every respect, as contemplated in this ordinance, then the Administrator of Police shall have the right to order its immediate removal or its reconstruction in such manner as to conform to the requirements herein ordained.

ART. 613. (7) That the city reserves the right to amend or qualify this ordinance from time to time by adding to the conditions and limitations already recited such other and additional requirements as experience and scientific demonstration may show to be necessary for the preservation of persons or property.

Reservation
of rights. Ib.

ART. 614. (8) That all splices or joints, wherever the same may occur, shall be thoroughly soldered after such splice or joint is made, and in addition thereto shall be well and thoroughly wrapped with kerite tape or other insulating material, so as to produce perfect insulation at such joint or splice.

Splices and
joints. Ib.

ART. 615. (9) That the Electric Light Company shall, as much as possible, avoid crossing any telephone, telegraph or fire-alarm wire; but where it becomes necessary to cross such wire or wires, the electric light wire or wires shall at such point be additionally insulated with proper insulating material, and after such insulation the wires crossing, viz.: the electric light wire and such wires as it crosses, shall be bound together in such manner as to prevent any free motion whereby the insulation on any of the wires might be destroyed.

Insulation of
wires. Ib.

LOUISIANA ELECTRIC LIGHT AND POWER COMPANY.

ART. 616. (1) That the Louisiana Electric Light and Power Company, organized under and by virtue of the laws of the State of Louisiana, to the end that it may be able to carry out and effect the object of said corporation and erect and establish electric lights in the city of New Orleans for itself, its successors and assigns, shall have and possess the right, power and authority to erect and maintain in, over and through the city of New Or-

Franchise.
Ord. No. 806,
C. S.
Aug. 5, 1884.

leans and in, over and through all streets, highways, levees and public ways and places therein, all such wires, conductors and cables as shall or may become necessary to carry out the object and purpose of said corporation, and to establish and extend as may be required, electric lights and a system of lighting by electricity and to furnish electric power in this city and to supply the demand therefor, as the same may arise or grow up in the future, and may for this purpose construct and lay one or more cables across the Mississippi river, or across any other water or channel within the limits of the city, and land the shore ends of such cables at any convenient point or points within the city limits, and may erect all such poles or masts as may be or become necessary or expedient to carry out the purpose and object of said corporation, subject always to limitations and conditions contained in this ordinance.

Main lines and circuits.

ART. 617. (2) That all main lines and circuits shall be of copper or some other material of equal conductivity, and shall have and possess capacity to conduct electricity at least three times in excess of the estimated maximum quantity and intensity demanded by the circuit to which the conductor belongs, and to maintain all lights on the circuit at their maximum illuminating power; and in no case shall the conductor on any circuit have a conducting surface of capacity of less than No. 8 English gauge copper wire, and all such wires or conductors shall be well and securely covered with a good insulating material, and well and securely insulated by glass or other insulating material at all points of suspension or support.

Requirements.

Use of streets to be unobstructed.

ART. 618. (3) That all lines of wires, all poles, masts, the landing of the shore ends of all cables, as well as all other necessary works and constructions, shall be located and constructed so as not to obstruct the public use of the streets, levees and public places or to interfere with commerce or travel.

Entrance to buildings.

ART. 619. (4) That in all cases where the wires or conductors on any of the circuits shall enter any building, such conductor shall be carried into the building

without any reduction of its size or conductivity at the point of entry, and in all cases where, in entering, the wire shall come near the structure of such building, it shall be well and thoroughly insulated, and at all points where such conductor shall come in contact with or pass through wood in entering such building, the same shall have at that point an extra coating of rubber or other insulating material, at least one-eighth of an inch in thickness, outside of the wire, and this extra coating shall envelop the wire as far as it shall continue to pass through wood; and no wire or conductor shall have any joint within four feet of the point where such conductor enters any building.

How insulated.

ART. 620. (5) That all arc lights fed by electricity shall be securely enclosed in glass or porcelain globes, and so protected at the top as well as at the bottom that it will be impossible for a spark from the burning carbon points to escape.

Arc lights; how enclosed.

ART. 621. (6) That it is hereby made the duty of the Administrator of Police to have inspected all lines of wire and conductors erected or in use by said corporation, and to ascertain whether the same are erected and operated as required by this ordinance, and to cause the same and all the provisions thereof to be obeyed and observed; and in case it is reported that the said wires are so run or fastened as not to be safe in every respect, as contemplated in this ordinance, then the Administrator of Police shall have the right to order its immediate removal or its reconstruction in such manner as to conform to the requirements herein ordained.

Administrator of Police.

ART. 622. (7) That the city reserves the right to amend or qualify this ordinance from time to time by adding to the conditions and limitations already recited such other and additional requirements as experience and scientific demonstration may show to be necessary for the preservation of persons or property.

Right reserved by city.

ART. 623. (8) That all splices or joints, wherever the same may occur, shall be thoroughly soldered after such splice or joint is made, and in addition thereto shall be well and thoroughly wrapped with kerite tape or other

Splices or joints.

insulating material, so as to produce perfect insulation at such joint or splice.

Crossing other
wires.

ART. 624. (9) That the said Electric Light Company shall, as much as possible, avoid crossing any telephone, telegraph or fire-alarm wire; but where it becomes necessary to cross such wire or wires, the electric light wire or wires shall at such point be additionally insulated with proper insulating material, and after such insulation the wires crossing, viz.: the electric light wire and such wires as it crosses, shall be bound together in such manner as to prevent any free motion whereby the insulation on any of the wires might be destroyed.

Ord. No. 2477, C. S., Sec. 2, and Ord. 2976, C. S., Sec. 2, requiring the Louisiana Electric Light and Power Company to furnish an electric plant, etc., to the Charity Hospital, repealed by Ord. No. 3231, C. S., Oct. 2, 1888.

Use of public
ground.

Ord. No. 2658,
C. S.

Nov. 29, 1857.

ART. 625. (1) That permission be and the same is hereby granted to the Louisiana Electric Light and Power Company, its successors and assigns, to use for a period of twenty-five years from the date of the passage of this ordinance, the strip of public ground comprised between Water street or the Belt Railroad track, to the line of the public road fronting the river, Richard street and Market street, as a place for receiving coke, coal, oil, etc., in consideration for which the Louisiana Electric Light and Power Company shall keep the levee from Richard to Market street well lighted during the term of this grant.

Consideration.

Notarial act.

Ib.

ART. 626. (2) That the Mayor be and he is hereby instructed to pass a notarial act embodying the provisions of this ordinance, and that, in said act, the said Louisiana Electric Light and Power Company shall bind itself to hold the city harmless against any recovery of damages which may be obtained in any action which may be brought by any party or parties to be affected by any of the provisions of this ordinance.

Repealed
clause.

Ib.

ART. 627. (3) That all ordinances in conflict with this ordinance be and the same are hereby repealed, and that this ordinance shall go into effect from and after its passage.

Lease of batture fronting its works. Ord. No. 5832, C. S.

EDISON ELECTRIC LIGHT COMPANY.

(Grant to George B. Lawrason, heirs and assigns.)

ART. 628. That said George B. Lawrason, M. D., his heirs, assigns and successors, are hereby accorded and granted the right, power and authority to erect and maintain in, over and through the city of New Orleans, and in, over and through all streets, highways, levees and public ways and places therein, all such wires, conductors, mains and cables as shall or may become necessary to establish and extend, as may be required, electric lights, and a system of lighting by electricity, and to furnish electric power in said city, and to supply the demand therefor, as such demand may arise or grow up, and also the right, power and authority, in furtherance of the foregoing purposes and objects, to erect all such poles or masts, and lay all such wires, cables and mains under the surface of streets, levees, highways, and public ways and places, and do all such things as may be or become necessary or expedient to carry out the said objects and purposes, subject to the limitations and conditions contained in this ordinance.

Franchise.
Ord. No. 1806,
C. S.
Aug. 10, 1886.

ART. 629. (2) That all main lines and circuits shall be of copper, or some other material of equal conductivity, and shall possess capacity to conduct electricity at least three times in excess of the maximum quantity and intensity demanded by the circuit to which the conductor belongs, and to maintain all lights on the circuit at their maximum illuminating power, and all such wires and conductors shall be well and securely insulated by glass, or other insulating material, at all points of suspension or support; that all lines of wires, all poles and masts, as well as all other necessary works and constructions, shall be located so as not to obstruct the public use of the streets, levees and public places or to interfere with commerce or travel.

Main lines and
circuits. Ib.

ART. 630. (3) That in all cases where the wires or conductors on any of the circuits shall enter any building, such conductors shall be carried into the building without any reduction of its size or conductivity at the

Entering build-
ings. Ib.

point of entry, and in all cases where, in entering, the wire shall come near the structure of such building, it shall be thoroughly insulated.

Duty of Commissioner of Police and Public Buildings.

ART. 631. (4) That it is hereby made the duty of the Commissioner of Police and Public Buildings to have inspected all lines of wires and conductors, erected or in use by said Lawrason, his heirs, successors or assigns, and to ascertain whether the same are erected and operated as required by this ordinance, and to cause the same and all provisions thereof to be obeyed and observed, and in case it is reported that said wires are so run or fastened as not to be safe in every respect, as contemplated in this ordinance, then the Commissioner of Police and Public Buildings shall have the right to order its immediate removal or its reconstruction in such manner as to conform to the requirements herein ordained.

Splices and joints.

ART. 632. (5). That all splices or joints, wherever the same may occur, shall be thoroughly soldered after such splice or joint is made, and in addition thereto shall be well and thoroughly wrapped with insulating material, so as to produce, as near as possible, perfect insulation at such joint or splice, and that where it becomes necessary to cross any telephone, telegraph or fire-alarm wire, the electric light wire or wires shall at such point be thoroughly insulated with proper insulating material, and, after such insulation, the electric light wire and such wires as it crosses shall be bound together in such manner as to prevent any free motion whereby the insulation on any of the wires might be destroyed.

Commissioner of Public Works.

ART. 633. (6) That all work to be done by said Geo. B. Lawrason, M. D., his heirs, assigns or successors, under the provisions of this ordinance, including the restoring of the streets, sidewalks, etc., which may be torn up or disturbed, and thereafter keep in repair the paving of said openings, shall be so done under the supervision and to the entire satisfaction of the Commissioner of Public Works and the City Surveyor.

Bond.

ART. 634. (7) That the said Geo. B. Lawrason, his heirs, assign or successors, shall execute a bond with one or

more good and solvent sureties in favor of the city of New Orleans in the sum of five thousand (\$5000) dollars, conditioned that said Geo. B. Lawrason, his heirs, assigns or successors, shall comply with the provisions of the preceding section 6.

ART. 635. (8) That said Geo. B. Lawrason, his heirs, assigns or successors, or any firms or persons hereafter receiving similar privileges, occupying any streets, alley or road with underground conduits, tubes, pipes, cables, electrical conductors or wires shall be liable for all damages to gas or water mains, services and sewers, connections to sewers, and also for any damages caused by the opening of branches or condition of the street, sidewalk, a leys or roads resulting from the laying of the conduits, tubes, pipes, electrical conductors, cables or wires or making connection, for which the city of New Orleans would otherwise be liable.

Liability. Ib.

ART. 636. (9) That on all wires or conductors placed under ground, excepting such as are used or owned by the city of New Orleans, an annual payment of two dollars and fifty cents (\$2.50) per mile or any part thereof in length for conductors or wires for electrical lighting purposes, shall be paid to the City Treasurer on or before the first Monday in January, 1887, and annually thereafter in advance. Failure to make payment as required within the time herein specified shall subject the offenders to penalty of fifty (\$50) per day for each and every day thereafter until payment is made. All penalties provided for in this ordinance shall be recoverable before any court of competent jurisdiction.

Annual charge on wires or conductors under ground Ib.

ART. 637. (10) That an annual charge of five (5) cents per running foot for all underground conduits, tubes or pipes for electrical conductors not exceeding twelve (12) inches in diameter be made and on all other conduits, tubes or pipes for like purposes exceeding twelve (12) inches in diameter, an annual charge of ten (10) cents be made, payable to the city of New Orleans at the same time and under the same provisions as are charged in section 2 for payment of charges for conductors and wires.

On all under ground conduits, c o n - Ib

Forfeiture.

Ib.

ART. 638. (11) That if the said George B. Lawrason, his heirs, assigns or successors, should at any time dispose of this franchise and consolidate with any other company, said George B. Lawrason, his heirs, assigns or successors, shall forfeit all rights and privileges granted by this ordinance, and shall be liable to and shall pay to the city of New Orleans a penalty of twenty-five thousand (\$25,000) dollars, to be sued on and collected by the City Attorney. The company or individuals buying from or consolidating with the afore-said George Lawrason, his heirs, assigns or successors, shall be liable and pay to the city of New Orleans the sum of twenty-five thousand (\$25,000) dollars, to be sued out and collected as hereinbefore prescribed.

Clean of all pipes, etc.

Ib.

ART. 639. (12) That the said George B. Lawrason, his heirs, assigns or successors, laying any conduits, tubes, pipes, cables, electrical conductors or wires, shall lay such conduits, tubes, cables, electrical conductors or wires clear of all other pipes.

Hold the city harmless.

Ib.

ART. 640. (13) That if anything in the above provisions should result in injury to private property or be in conflict with any right or privileges heretofore granted by the city to any person or company, the said George B. Lawrason, his heirs, assigns or successors, by their acceptance of this ordinance, bind themselves to equitably settle all such injuries and to hold the city harmless from all damages or reclamation whatever arising from such conflict; provided, that the work of construction shall be begun on or before January 1, 1887, and that \$25,000 worth of work shall be completed on or before the 1st of January, 1888; provided, that in the event this company does not begin work on or before the 1st day of January, 1887, then this ordinance to be void.

Null and void, when.

Ib.

City reserves certain rights.

Ib.

ART. 641. That the city reserves the right to amend or qualify this ordinance from time to time by adding to the conditions and limitations already recited such other and additional requirements as experience and scientific demonstration may show to be necessary for the preservation of persons or property.

GRANTING THE ALGIERS ICE MANUFACTURING COMPANY THE
RIGHT TO ESTABLISH, ETC., ELECTRIC LIGHTS, ETC., IN
THE FIFTH MUNICIPAL DISTRICT.

ART. 642. That said Algiers Ice Manufacturing Company is hereby accorded and granted the right, power and authority to erect and maintain in, over and through said Algiers, Fifth District of New Orleans, and in, over and through all streets, highways, levees and public highways and places therein, all such wires, conductors, mains and cables as shall or may become necessary to establish and extend, as may be required, electric lights, and a system of lighting by electricity, and to furnish electric power in said Algiers, Fifth District of New Orleans, and to supply the demand therefor, as such demand may arise or grow up, and also the right, power and authority, in furtherance of the foregoing purposes and objects, to erect all such poles or masts, and lay all such wires, cables and mains, under the surface of streets, levees, highways and public ways and places, and do all such things as may be or become necessary or expedient to carry out the said objects and purposes, subject to the limitations and conditions contained in this ordinance.

Franchise.
Ord. No. 6332,
C. S.
May 10, 1892.

ART. 643. (2) That all main lines and circuits shall be of copper or some other material of equal conductivity, and all such wires and conductors shall be well and securely insulated by glass or other insulating material at all points of suspension or support; that all lines of wires, all poles and masts, as well as all other necessary works and constructions, shall be located so as not to obstruct the public use of the streets, levees and public places or to interfere with commerce or travel.

Main lines and
circuits.

ART. 644. (3) That in all cases where the wires or conductors, or any of the circuits, shall enter any building, such conductor shall be carried into the building without any reduction of its size or conductivity at the point of entry, and in all such cases where in entering the wire shall come near the structure of such building it shall be thoroughly insulated.

Entrance to
buildings.

- Splices and joints. ART. 645. (4) That all splices or joints, wherever the same may occur, shall be thoroughly soldered after such splice or joint is made, and in addition thereto shall be well and thoroughly wrapped with insulating material, so as to produce, as near as possible, perfect insulation at such joint or splice; and that when it becomes necessary to cross any telephone, telegraph or fire-alarm wire, the electric light wire or wires shall at such points be thoroughly insulated with proper insulating material.
- Streets, sidewalks, etc. ART. 646. (5) That all work to be done by the Algiers Ice Manufacturing Company under the provisions of this ordinance, including the restoring of the streets, sidewalks, etc., which may be torn up or disturbed and thereafter keep in repair the paving of said openings, shall be so done under the supervision and to the satisfaction of the Commissioner of Public Works and the City Surveyor.
- Conduits, etc., clear of all other pipes, etc. ART. 647. (6) That the Algiers Ice Manufacturing Company laying any conduits, tubes, pipes, cables, electrical conductors or wires shall lay such conduits, tubes, pipes, cables, electrical conductors or wires clear of all other pipes.
- Injury to property. ART. 648. (7) That if anything in the above provisions should result in injury to private property or be in conflict with any right or privilege heretofore granted by the city to any person or company, the said Algiers Ice Manufacturing Company by their acceptance of this ordinance bind themselves to equitably settle all such injuries and to hold the city harmless from all damages or reclamation whatever arising from such conflict;
- Shall begin. provided, that the work of construction shall be begun on or before June the first, 1892, and that the work shall be completed on or before January the first, 1893; provided, that in the event this company does not begin work on or before the first day of January, 1893,
- Void. then this ordinance to be void; provided, further, that this grant only applies to private lighting in Algiers or
- Confined to Fifth Municipal District and private lighting. the Fifth Municipal District of the parish of Orleans, and the Algiers Ice Manufacturing Company is positively prohibited, under a forfeiture of their privileges

as far as it pertains to electric lighting, from laying a cable or connecting their plant in any way with the opposite side of the river.

ART. 649. That the city reserves the right to amend or qualify this ordinance from time to time by adding to the conditions or limitations already recited such other additional requirements as experience and scientific demonstration may show to be necessary for the preservation of persons or property.

Reservation
of city.

ELECTRIC MOTORS.

GRANTING T. PRUDHOMME, MAURICE J. HART ET AL., RIGHT
TO USE CARS PROPELLED BY ELECTRIC MOTORS.

ART. 650. That the privilege is hereby granted to T. Prudhomme, Maurice J. Hart, W. J. Behan and Edgar H. Farrar, their transferees, associates and assigns, and any corporation to which they may hereafter transfer this privilege, the right for fifty years to use cars propelled by electricity, on any and all of the street railroads of this city, with their consent; provided, that all said cars, so propelled by electricity, on said street railroads, shall be used only for the transportation of passengers, and shall, in all respects, conform to the rules and regulations now prescribed by the respective charters and franchises of said railroads.

Franchise.
Ord. No. 3304,
C. S.
Oct. 30, 1898.
And Ord. No.
6760, C. S.

It being distinctly understood that nothing herein contained shall be construed as granting exclusive privilege, and it being further understood that no street railroad company shall be permitted to use such improved system, unless such company shall have complied with all of the charter obligations and contracts.

GRANTING JOS. A. WALKER, ALDEN M'LELLAN ET ALS.,
RIGHT TO USE CARS PROPELLED BY ELECTRIC MOTORS.

ART. 651. That the privilege is hereby granted to Joseph A. Walker, Alden McLellan, Joseph Hernandez, E. J. Hart, Henry Larquie, Wm. J. Behan and Thomas Pickles, their transferees, associates and assigns, and

Franchise for
fifty years.
Ord. No. 3338,
C. S.
Nov. 13, 1898.

to any corporation to which they may hereafter transfer this privilege, the right for fifty years to use cars propelled by electricity, on any and all of the street railroads of this city, with their consent; provided, that all said cars so propelled by electricity on said street railroads shall be used only for the transportation of passengers; and shall, in all respects, conform to the rules and regulations now prescribed by the respective charters and franchises of said railroads; provided, however, that no system shall be used requiring poles and wires to be placed on the public thoroughfares, but only such system as will in itself be contained in each car, and be of such low voltage as to be absolutely safe, and subject to the approval of the City Council, it being distinctly understood that nothing herein contained shall be construed as granting exclusive privilege, and it being further understood that no street railroad company shall be permitted to use such improved system unless such company shall have complied with all of its charter obligations and contracts.

ELECTRIC SIGNALS—See GATES

ELEVATED BRIDGES.

PRIVILEGES.

- Ord. 6062. American Sugar Refining Company, to connect their building in square bounded by Customhouse, Clay, Bienville and Front streets with depot of the Southern Pacific Railroad by a bridge extending across Clay street; also to connect their building on Decatur, Toulouse, Clay and St. Louis streets with building on triangle by bridge across Clay street. February 17, 1892.
- Ord. 11,000. American Sugar Refining Company, an elevated bridge across Wells street, connecting their building in square bounded by Customhouse, Wells, Crossman and Front streets with the building on triangle, bounded by Customhouse, Delta, Wells and Crossman streets; also an elevated bridge from building on triangle, bounded by St. Louis and Delta streets, to their building located in square bounded by St. Louis, Decatur, Toulouse and Clay streets, for the purpose of conveying fuel and other materials, July 11, 1895.

- Ord. 10,310. Crussel, J. E., to operate an overhead tramway with swinging arm at the head of Robin street for the purpose of unloading merchandise from barges into his yard. February 12, 1895.
- Ord. 10,345. Dunbar, G. W., an overhead tramway from their factory, corner Desire and Levee streets, over and across Peters street to Mississippi river. February 19, 1895.
- Ord. 5550. Gordon, Frank L., wire rope conveyor on Girod, between Front and Fulton streets, August 31, 1891.
- Ord. 3868. Louisiana Sugar Refinery Company, to connect refinery corner Customhouse and Front streets with warehouse of said company in square bounded by Customhouse, Front, Crossman and North Peters streets by elevated bridge across Customhouse street.
- Ord. 4003. Louisiana Sugar Refinery Company, to erect light wire elevator skidway between cooperage factory and refinery building, for passing empty barrels. September 30, 1889.
- Ord. 3885. Morgan's Louisiana & Texas Railroad & Steamship Company, to connect its buildings on either side of Bienville street by an elevated bridge, August 2, 1889.
- Ord. 8062. National Rice Milling Company, an enclosed elevated bridge across the upper roadway of Elysian Fields street, from their mill in square bounded by Elysian Fields, Esplanade, Peters and Decatur streets, for the purpose of conveying their products to and from cars standing on the existing tracks on the neutral ground of Elysian Fields street in front of their mill, September 27, 1893.
- Ord. 9091. Nicholson & Co., to construct an elevated bridge across Bank place, from 17 to 18 Bank place, May 4, 1894.
- Ord. 4501. Orleans Manufacturing Company, to connect their property on both sides of Girod street, between Fulton and Peters streets, by an elevated bridge, May 12, 1890.
- Ord. 5255. Old Basin Sash Factory, to connect their shops by foot bridge over Liberty street, August 24, 1890.
- Ord. 6232. Old Basin Sash, Door and Blind Factory, to construct conveyors of shavings to shaving vaults near boilers in square bordered by Toulouse, St. Louis, Treme and Marais streets. Also, to connect their factory with shops situated in the square bounded by Treme, Franklin, Carondelet Walk and Toulouse streets, April 8, 1892.
- Ord. 6112. People's Slaughterhouse and Refrigerating Company, to erect bridge across N. Peters street from Levee to their premises, March 19, 1892.

ELEVATORS.

PRIVILEGES.

- Ord. 11,000. American Sugar Refining Co., to operate their (3) fuel elevator-hoppers on Clay street alongside of boiler house, in connection with their track; also, to operate a fuel elevator or hopper on Clay street, alongside of their building located on the triangle formed by St. Louis, Clay and Delta streets, in conjunction with track, July 11, 1895.
- Ord. 2850. Edwards & Haubtman, Delta, Front, Poydras and Lafayette streets, derrick on banquette, March 10, 1888.
- Ord. 3225. Louisiana Electric Light and Power Co., river front near Market street, elevator fronting their works, October 4, 1888.
- Ord. 8984. Myles & Co., Front and Poydras streets, to erect shed over sidewalk in front of their store, April 14, 1894.

EMPLOYEES.

See COMPTROLLER, LABOR AND LABORERS.

Leave of absence — By whom granted.
Ord. No. 1400
C. S.
Sept. 1, 1885.

ART. 652. That from and after the passage of this resolution no leave of absence, except in case of illness, shall be granted to any employee of the city through any source other than that of the City Council.

Nine hours' labor.
Ord. No. 6895
C. S.
Nov. 2, 1892.

ART. 653. (1) That nine hours' labor shall constitute a full day's work for all laborers employed by the city of New Orleans upon all legal days, except Saturdays, and upon Saturdays eight hours' labor shall constitute such full day's work.

Transfers prohibited.
Ord. No. 3088
C. S.
July 24, 1888.

ART. 654. That no clerk or employee of the city of New Orleans shall be permitted to sell or transfer his salary or wages before the same shall have been earned. And for any violation of this ordinance the penalty shall be immediate dismissal from the city's service.

This ordinance shall take effect on the first day of September, eighteen hundred and eighty-eight.

Transfer clerk abolished
Ord. No. 3441
C. S.
Jan. 2, 1889.

ART. 655. (1) That the place of Transfer Clerk, as now established, be discontinued from and after January 1, 1889.

ART. 656. (2) That from and after January 1, 1889, transfers of earned time, in order to secure the identification of parties, shall be sworn to before a notary by the chief of the department concerned. Transfers to
be sworn to.
Ib.

ART. 657. (3) That the Comptroller be hereafter charged with the duty of recording all transfers whatsoever, and that he be allowed to employ an additional clerk at a rate not to exceed \$1000 per annum. Comptrollers
duty.
Ib.

ART. 658. (4) That the rolls from and after January 1, 1889, be made so as to show on the face the name of the wage-earner, his residence, the time by him earned, his signature, and the name and signature of his transferee. Rolls
Ib.

ART. 659. (5) That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Repealing
clause.
Ib.

ART. 660. That in order to adopt and carry into effect the system of paying the employees of the city of New Orleans semi-monthly, that the following procedure be adopted in relation to financial ordinances for salaries of the various departments, viz.: That the one-twelfth or so much thereof as may be necessary of the budget amount allowed the several departments be ordained for at the first meeting of the Council in each month, and that the Comptroller is hereby directed to warrant on the Treasurer in payment of pay rolls for the periods from the 1st to the 15th and from the 16th to the end of the month, which are properly certified by the executive officers and approved by the Finance Committee; provided, that no warrant shall be drawn for an amount in excess of the proportionate allowance to each department. Payments
semi-monthly.
Ord. No. 9378
C. S.
July 3, 1894.

Ord. No. 4332, C. S., repeals Ord. No. 1384, C. S.

ENGINEER, CITY—See SURVEYOR.

ENTERTAINMENTS—See AMUSEMENTS.

EXCAVATING COMPANIES—See VIDANGEURS.

EXECUTIVE—See MAYOR.

EXPLOSIVES—See COMBUSTIBLES AND EXPLOSIVES.

EXPROPRIATIONS

Of lands for railroads and other works of public utility, see Secs. 698 to 719 and Secs. 1479 to 1493 of the Revised Statutes; Constitution, Arts. 155, 156; C. C. 497, 2626, 2641.

Ords. Nos. 2655 and 2764, C. S., expropriates certain property on Peters street belonging to the Ursuline Nuns and A. Delavigne, and provides for payment of same.

FACTORIES, TANNERIES, ETC.

Permission
of Council to
be obtained.
Ord. No. 2084
Approved
March 30, 1855.

ART. 661. (1) From and after the passage of this ordinance it shall not be lawful for any person or persons to establish either a soap factory, tannery, bone-black factory, camphene factory or slaughterhouse within the limits of this corporation, or to continue any that may now be established, without first having obtained permission of the Common Council, under a penalty of one hundred dollars for each and every offence, recoverable before any court of competent jurisdiction, for the benefit of the city.

Repealing
clause.

ART. 662. (2) That all ordinances or parts of ordinances contrary to this be and the same are hereby repealed.

Height of
chimneys—
Ord. No. 2505,
C. S.
Amended
Ord. No. 500,
C. S.
Oct. 11, 1887.

ART. 663. That the chimneys of all furnaces connected with steam engines used in factories of every description, and other establishments, shall be carried up at least twenty feet above the highest building within an area of one hundred feet from the said factory, etc., and shall have caps on them so constructed as to prevent cinders and soot from falling upon the neighboring houses.

Smoke from
chimneys

ART. 664. (3) That the owners or lessees of the said
1b. factories, etc., shall take all proper precaution to prevent the noise of their machinery or smoke emanating from the chimneys thereof from becoming a nuisance to the neighbors.

Noise.

1b.

ART. 665. (4) That any person or persons refusing to comply with the requirements of this ordinance, upon the official order of the Mayor, shall be subject to a fine of twenty-five dollars for each week from and after the first notification that he shall have neglected or refused to comply with the requirements of this ordinance, and in the event of failure to pay the said fine, the person or persons so refusing and offending shall be imprisoned for a period not exceeding thirty days; the said fine or penalty to be imposed by the Recorder of the district in which the said factories, etc., may be located.

Penalty. Ib.

Relative to Smoke Consumers—See Steam Engines.

See Forges, Spark Arresters, Steam Engines.

Relative to Noises and Nuisances—See Offences.

PRIVILEGES.

Ord. 6726. Athens, W. Y. & Co., Louisiana avenue and Green street, planing mill, September 21, 1892.

Ord. 10,425. American Manufacturing Company, Louisiana avenue and Saratoga street, steam sash, blind and door factory, March 13, 1895.

Ord. 2907. Bryan & Miles, Julia, Notre Dame, Water and Delta, for boiling and hermetically sealing molasses, April 6, 1888.

Ord. 3938. Briede & Cronbark, St. Peter, between Julia and St. Joseph, wagon and buggy factory, August 30, 1889.

Ord. 10,927. Brinker, Frank, to remove to 268 Delord street, carriage and repair shop, June 20, 1895.

Ord. 3018. Cude, Jno., to remove manufactory from 909 Magazine to northwest corner Louisiana avenue and Chippewa.

Ord. 3814. Hauch, Arthur, Carondelet Walk, between St. Peter and Dorgenois, saw-mill, June 8, 1889.

Ord. 5953. Hackney, D. and associates, Delord, between Rampart and Dryades, two-story building, basement brick, upper-story wood, sheeted with asbestos, covered with iron, for sash factory, June 16, 1892.

Ord. 8654. Hercules Ice Manufacturing Company, Pauline and Peters streets, ice factory, June 25, 1894.

Ord. 10,561. Knoop, Otto, Basin, between Julia and Girod, saw-mill, April 19, 1895.

Ord. 11,444. Lawler & Chaery, square bounded by Hagan avenue, Erato, Thalia and Clarke streets, necessary machinery, etc., for manufacturing cotton-seed oil, October 8, 1895.

Ord. 6440. McEwen & Murray, Dublin avenue and New Canal, saw-mill, June 9, 1892.

Ord. 11,615. New Orleans Roofing and Metal Works, Lafayette and Dryades streets, cornice and roofing works, with steam power.

- Ord. 4153. Rugers & Kearn, Orange, between Tehoupitoulas and South Peters streets, vinegar factory, December 14, 1889.
- Ord. 2727. Seidel Bros., Gasquet and Palmyra streets, furniture, February 1, 1888.
- Ord. 4853. Southern Vinegar Company, to change location from 134 North Basin street to 156 Toulouse, November 22, 1890.
- Ord. 5272. Southern Wood Manufactory and Creosoting Company, head of Lyons street, saw-mill and creosoting works, May 1, 1891.
- Ord. 8238. Steip, Daniel, 687 Annunciation street, sausage factory, October 24, 1893.
- Ord. 9448. Seguin, Hy., 14 Union street, wagon and repair shop, July 27, 1894.
- Ord. 9999. Schwarm, S., 132 Basin street, sausage factory, November 24, 1894.
- Ord. 8709. Union Varnish Works Company, to remove from Robert and Tehoupitoulas streets, to Claiborne, Derbigny, Second and Third streets, February 9, 1894.
- Ord. 8783. Zinsel, Wm., to remove sausage factory from 1706 Tehoupitoulas street to Roberts, between Tehoupitoulas and Jersey streets, December 21, 1893.

FALSE ALARMS.

False Alarms.
Dec. 1856.
O. S. 3172.

ART. 666. (7) If any person, without reasonable cause, shall make a false alarm of fire by outcry, the ringing of bells or otherwise, he shall be fined not less than ten nor more than fifty dollars.

Reward.
Dec. 1880.
A. S. 6754.

ART. 667. That the Mayor be and is hereby authorized to offer a reward of five hundred dollars for the arrest and conviction of any person or persons who may be caught and convicted of breaking the fire alarm telegraph boxes, or of sending a false alarm through same.

False Alarms.
Oct. 1874.
A. S. 2806.

ART. 668. That it shall be unlawful, from and after the passage of this ordinance, for any person or persons to turn in or give a false alarm to the general office through any fire alarm box, located or established in said city.

Penalty,

Ib.

ART. 669. (2) That any person or persons violating this ordinance shall, for each offence, be liable to pay a fine of not less than twenty-five dollars, or imprisoned for not less than thirty days, recoverable before the police courts of this city, or any court or courts of said city as may have jurisdiction in the premises.

ART. 670. (3) That it shall be the duty of the police of this city to arrest any offender, and to strictly enforce the provisions of this ordinance. Enforcement of ordinance. Ib.

ART. 671. That hereafter it shall be a misdemeanor and all persons are forbidden to give a false alarm of fire during a performance at any theatre or public exhibition. False Alarms at theatres. Ord. No. 6188 C. S. March 22, 1892.

ART. 672. That whoever shall violate the provisions of this resolution shall be subject to a fine not to exceed \$25 or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed \$25 for each offence, nor the imprisonment more than thirty days. Penalty.

Also Act No. 4 of 1875, E. S.

FEES AND COSTS.

Sheriff's charges for prisoners, see Act of 1877, E. S. No. 55, p. 86.

Cost of criminal proceedings to be paid by parties: Act of 1877, E. S., No. 7, p. 8.

ART. 673. That contracts be entered into between the constables of the city courts, or such constables as may signify their acquiescence in the terms hereof, and the city of New Orleans under the supervision of the City Attorney, and that the terms thereof, as hereafter set forth, be and the same is hereby ratified and approved. The said contract provides: Contracts with Constables. Ord. No. 11,036 C. S. July 23, 1895.

ART. 674. That the city of New Orleans shall bring its license suits in the city courts where amounts involved are \$100 and less, and the said constables of the city courts agree and bind themselves or each of them to serve all papers and processes of the said city courts in said suits on a contingent fee as follows: Contingent fee. Ib.

ART. 675. If any money be realized on any judgment on said license suit the said constables of the city courts are to be paid their fees. If, however, nothing is recovered on said judgment, the said constables agree and bind themselves not to charge any fee. Fee to be paid on judgments realized. Ib.

Cost to be paid before time granted. ART. 676. (2) If any time be granted for the payment of any license after said suit has been instituted by the city in said city courts the constable cost shall be paid in all cases before the time granted or allowed.
Ib.

City's collecting Constable to be paid. ART. 677. (3) If any license suit filed in the city court and the license for which said suit is instituted is paid at the City Treasurer's office without the constable being first paid, the city shall bind itself to pay the constable his cost for all services rendered in said suit.
Ib.

Not to apply to suit previous to July 5, 1895. ART. 678. (4) This contract of agreement shall not apply to any suits filed previous to July 5, 1895.
Ib.

Mayor authorized to sign contract. ART. 679. (5) That the Mayor be and he is hereby authorized to sign a contract in accordance with this ordinance.
Ib.

FENCES AND DITCHES.

Duty of owners. ART. 680. (1) That whenever the owner of any lot of land shall desire to enclose the same by a fence, he shall give notice in writing to the owner or owners of the adjoining lots of such desire, and also notify such owner or owners to join in building such party fence or fences, fully describing the premises thus to be enclosed and the character of fence to be constructed, and after the expiration of ten days from the delivery of such notice to such owner or owners, if they shall still neglect to join such petitioner in building such party fence or fences, such petitioner may proceed to build such fence or fences, and shall be entitled to recover from such owner or owners thus notified one-half the cost or value of a good, substantial and suitable fence, before any court of competent jurisdiction.
Ord. No. 199, A. S. April, 1870.

Repair of fences. ART. 681. (2) That whenever any party fence shall need repairing, notice as aforesaid may be given by either or any party interested in the same, to join in making such repairs, and on failure to join as aforesaid, the party making such repairs shall be entitled to recover from such owner or owners their just proportion of the cost of such repairs.

ART. 682. That the good, substantial and suitable party fence required by Ordinance No. 199, A. S., shall consist of feather-edged rough pine boards one inch thick with the usual width and length, nailed horizontally across pine posts four inches thick by six inches wide, and not more than eight feet apart, driven three feet in the ground; the fence to be seven feet in height, and the party building it to have the right to place the posts upon his neighbor's side.

Construction.
Ord. No. 4433,
C. S.
Apr. 15, 1890.

ART. 683. In all cases where banquettes or sidewalks are made in front of, or bordering on, any lot or lots of ground within this city, it shall be the duty of the owner or owners of such lots to cause the same to be fenced with good, substantial picket or board fences, so as to protect said sidewalks.

Fences to be
made.
Ord. No. 1851,
O. S.
Nov. 24, 1854.

ART. 684. It shall be the duty of the Street Commissioner, and his deputies, to notify the owners or the agents, where the same can be known, in writing, to comply with the preceding resolution, within thirty days after service of said notice; and in case said owners or their agents shall not comply with said notice, then said owners or their agents shall be liable to a fine or penalty of ten dollars for every ten days in contravention, recoverable before any court of competent jurisdiction.

Penalty for
neglect, etc.
Ib.

ART. 685. In case any fines shall be recovered as aforesaid, the Street Commissioner shall apply so much thereof as may be necessary to cause the work to be done, and pay the balance, if any, into the city treasury.

Disposition of
fines.
Ib.

See Civil Code, Article 671, *et seq.*

FERRIES.

FIRST, SECOND AND THIRD DISTRICTS.

ART. 686. That permission be and is hereby granted to Capt. Thomas Pickles, lessee of the Canal street ferry, to move, at his own expense, the ferry landing from its present position to the prolongation of the north side of Canal street, using the same ground at this point as the present ferry lease embraces, and the portion oc-

Canal street
ferry.
Ord. No. 6610,
C. S.
Aug. 2, 1892.

cupied by the present lease to be a part of the lower steamboat wharves.

Improvements. ART. 687. That the said Thomas Pickles, his heirs or assigns, shall make this change at once, in order that the work now in course of execution can be made complete, and that he shall, at his own expense, construct a new two-story ferry house for the accommodation of the ferry business, and also to provide for offices for the harbor police of the city of New Orleans in said building, and to take up the present paved roadway leading to the ferry and lay it between the new ferry landing and the roadway being built by the wharf lessees at the head of Canal street, on the prolongation of the north side of Canal street, and that the said Thomas Pickles shall also in addition to the above remove the present banquette leading to the present ferry landing, and shall make a banquette eighteen feet wide on the prolongation of the north side of Canal street, all the way from the depot of the Louisville & Nashville Railroad to the said ferry house, this banquette to be paved throughout its entire length with Schillinger.

Accepting bid of Thos. Pickles, Ord. No. 11,110, C. S. Aug. 6, 1895. ART. 688. That the bid of Thos. Pickles for the lease of the First, Second and Third District ferries for a period of ten years from January 1, 1897, in accordance with specifications approved by the Council, and now on file in the office of the City Engineer, for the sum of forty-nine thousand dollars (\$49,000) be and the same is hereby accepted, and that the Mayor be and he is hereby directed and authorized to enter into notarial contract with the said Thos. Pickles, in accordance therewith as per his bid of July 24, 1895.

CONTRACT OF LEASE.

SPECIFICATIONS FOR THE LEASING OF THE FIRST, SECOND AND THIRD DISTRICT FERRIES.

Landings. The First District Ferry to land at the head of Canal street on the left bank and at the head of Morgan street on the right bank.
The Second District Ferry to land at the head of St. Ann street on the left bank and at the head of Bouny street on the right bank.

The Third District Ferry to land at the head of Barracks street on the left bank and at the head of Oliver street on the right bank.

The above description is the same as the locations now being occupied by the ferries.

The parties to whom this lease is adjudicated shall maintain in good repair and condition during the continuance of the lease substantial pontoons and wharves at each of the landings on each side of the river, so as to provide a convenient and safe landing for the boats and proper connection with the shore for both passengers and vehicles.

Repairs.

The pontoons or floating wharves to be strong and substantial and of proper dimensions, properly decked, and provided with the necessary railings and other appurtenances. Such pontoons as are, in the opinion of the City Engineer, insufficient in dimensions or are deteriorated to such an extent as to be unsafe, will be replaced by new ones, which will be built of such dimensions and in such manner and according to such plan as will be approved by the City Engineer. The connection which will be made between this pontoon, against which the boats land, and the shore, for the passage of vehicles and passengers, will be of such construction as will admit of the slope at extreme high or low water to be such as will be required by the City Engineer, these inclines to be as easy as the conditions existing at the different points will admit.

Pontoons
or floating
wharves.

The gangway for vehicles shall not be less than thirteen feet wide and for passengers shall be not less than six feet wide, and these connections to be thoroughly and substantially built of iron secured to piling, the whole work to be done in the most thorough manner, and such existing wooden structures as are now existing will, as same are sufficiently deteriorated to require renewing, be reconstructed of iron, plans for such reconstruction to be approved by the City Engineer and Commissioner of Public Works.

Gangway.

All bridges and landings to be at all times maintained in thoroughly safe and substantial condition and to the satisfaction of the City Engineer and Commissioner of Public Works, and all new work to be done under their supervision.

Bridges and
landings.

The lessee shall, during the continuance of the lease, maintain in good order and condition the existing improvements on the left bank at the head of Canal street, and make such other improvements for the proper landing of the boat as may be necessary.

Improvements
to be kept in
good order.

At the landings of the First and Second District ferries, on the right bank, the contractor will erect new substantial ferry houses of such design as will be approved by the City Engineer. At the Second District ferry landing, on the left bank, there will

Ferry houses.

be provided a new and larger pontoon on which will be erected a new substantial waiting room.

Lights.

At each ferry landing approaches and thoroughfares, on either side of the river, there will be provided a sufficient number of electric or gas lights to thoroughly illuminate the premises.

Police stations.

The lessees will, at their own expense, maintain and keep in good repair the portion of the building at the head of Canal street which is now utilized by the city for a police station, and as long as desired during the continuance of this lease the city will occupy these quarters for the harbor police without rental.

Number of boats and trips.

The lessee shall run, or cause to be run, during the continuance of this lease, on all days except Sundays, on the Canal street ferry, between the hours of 6 A. M. and 8 P. M., two large boats, not less than 120 feet long by 50 feet wide, these boats to run so as to leave either side of the river every ten minutes, necessitating each boat to make three round trips per hour. On the Canal street ferry, between the hours of 8 o'clock P. M. and 1 A. M., the large boat will leave either ferry landing every twenty minutes, or three trips per hour, and from 1 A. M., to 6 A. M., this ferry will make two trips per hour. Should the present lessee be the successful bidder he shall obligate himself to run two boats at Canal street, as provided in these specifications, every day from September 15, 1895.

The Third District ferry, between the hours of 5 A. M. and 8 P. M. shall make three round trips per hour, leaving either ferry landing every twenty minutes. Between the hours of 8 P. M. and 5 A. M. the boat will not run.

The Second District ferry will leave either side every twenty minutes, or make three round trips per hour, between 6 A. M. and 7 P. M.

The boats which are run on these ferries to be strong and substantial and to be kept in first-class order and repair. The lessees shall, at their own expense, have the boilers and hulls examined by qualified United States inspectors at least once every twelve months, and the certificates of inspection thus made, properly framed, will be placed on the boats in a conspicuous place. The boats to be kept painted and every precaution to be used to prevent accident and measures adopted to secure the safety and comfort of the passengers.

Accommodations.

Such ferry houses on either side of the river as are not now of sufficient size and provided with proper accommodations for the convenience of passengers will be remodeled, rearranged, or where in the opinion of the City Engineer and Commissioner of Public Works, necessary, new and commodious buildings will be erected. These buildings to be provided with all the necessary waiting rooms and other conveniences, as also with lavatory for ladies and urinal for gentlemen, and the waiting and other public rooms to be provided with proper ventilation, heated and lighted.

The maximum rates which the lessees shall have the right to charge shall be as follows, to-wit:

For every foot passenger purchasing a single fare or ticket, five cents. But every such passenger shall be entitled to thirty-three tickets for one dollar, sixteen for fifty cents, eight for twenty-five cents, and three for ten cents, and school children, twenty for fifty cents. Charges.

Tickets for freight and packages to be of the same value as tickets for passengers.

For every foot passenger during the night, between the hours of 9 P. M. and 5 A. M., ten cents or two tickets.

For every foot passenger, five cents or one ticket.

For every passenger on horse or mule back, both inclusive, two tickets or ten cents.

For every head of cattle, horse or mule, two tickets or ten cents.

For every hearse, sixty cents.

For every vehicle except when loaded with lumber, when drawn by one horse or mule, twenty cents.

For every two-wheel vehicle (jumper), one horse, fifteen cents.

For every tally-ho drawn by one horse, including four passengers, twenty cents.

For every tally-ho drawn by two horses, including four passengers, forty cents.

For every vehicle, except loaded floats or cotton wagons, drawn by two horses or horse kind, whether loaded or unloaded, forty cents.

For every loaded float or cotton wagon, eighty cents.

For every vehicle drawn by three or more horses or horse kind, whether loaded or unloaded, eighty cents.

For every vehicle drawn by oxen or ox kind, whether loaded or unloaded, eighty cents.

For every two-wheeled vehicle loaded with lumber, twenty cents.

For every sack of coffee, salt, flour, potatoes, buckwheat, barley, beans, wheat, corn, oats, corn meal, turnips, apples, etc., or on articles in sacks, bags or boxes, not exceeding three cubic feet, box of dry goods or merchandise over three and not exceeding ten cubic feet, ten cents or two tickets.

For every barrel, ten cents or two tickets.

For every tierce of rice, meat, etc., twenty cents or five tickets.

For every half barrel, five cents or one ticket.

For every hogshead of sugar, meat, etc., forty cents.

For every bale or bundle of empty sacks, ten cents or two tickets.

For lumber, when received at one landing and delivered at another, for freight and labor per 1000 feet, board measure, five dollars.

For bricks, when received at one landing and delivered at the other, for freight and labor, per thousand, three dollars.

For every trunk, ten cents or two tickets.

For bar and pig iron, per 100 pounds, five cents or one ticket.

For goats, sheep or hogs, five cents or one ticket.

For grate, furnaces or chimneys, five cents or one ticket.

For five-gallon can or demijohn, five cents or one ticket.

For nest of tubs, buckets or measures, five cents or one ticket.

For every crate of earthenware or such kind, forty cents.

For every wheelbarrow, loaded or unloaded, ten cents or two tickets.

For small articles carried by passengers in their hands no charge shall be made. Articles not enumerated corresponding rates may be charged, and for heavy spars, machinery, boilers, etc., or usual dimensions or weight, such prices as may be agreed upon.

For small packages, not above enumerated, a charge of five cents or one ticket will be made, and lessee shall give receipt and be responsible for same.

Only one person besides the driver will be allowed on wagons or vehicles.

No freight to be left on the boat weighing over 200 pounds, and a double charge will be made for all freight left on the boat over night and not being called for by the consignee or consignor.

Fire Department free.

The lessee of these privileges shall carry to and fro free of charge the charity wagons, city prisoners, firemen of the New Orleans Fire Department, when on duty, and the Charity Hospital ambulance and other city wagons with driver, as also the regular police force while in the discharge of their duties.

Pilots and Engineers.

The lessee shall employ as pilots and engineers none but such as are thoroughly competent and who shall have certificates from the proper officers appointed by the United States government of their qualifications.

Rights and privileges.

The exclusive right of these ferry privileges shall embrace from Calliope to Elysian Fields on the left bank, and from the line of Jefferson parish to Oliver street on the right bank.

The lessee shall have the power to occupy with pontoons, piles and other appurtenances, to provide a proper landing for the Canal street ferry, on the right and left banks two hundred feet of river front, and will have the right to occupy one hundred and fifty feet on each bank for a terminal for the Second and Third District ferries.

There will also be provided the necessary area of batture for the erection of waiting rooms, gangways, etc., at each of the ferry landings, but in no case shall the amount of batture or levee exceed the river frontage designated above.

The privilege for the operating of these ferries to be sold by the City Comptroller, after due advertisement, by public auction, and the party or parties to whom is adjudicated the privilege to operate these ferries shall purchase from the present lessee, whose lease expires December 31, 1896, such property and improvements at a valuation fixed upon by the appraisers as provided for in the existing lease between the city of New Orleans and Mr. Thos. Pickles. Said appraisers shall be appointed at least ten days prior to the expiration of the lease of said Thomas Pickles, and shall complete their appraisalment within five days, and the successful bidder shall pay in cash to said Thomas Pickles the valuation fixed by said appraisers upon the boats, buildings, improvements, docks, bridges and other improvements and betterments constructed by said Thomas Pickles during the course of his lease and turned over to him by said appraisers. This cash payment to be made upon delivery by said Thomas Pickles to said successful bidder, said delivery to be made upon the day of the expiration of the lease of said Thomas Pickles by said successful bidder, and said successful bidder shall not be entitled to said delivery until he shall have made said cash payment. It is understood that the lessee shall, within six months after he begins the operation of the ferries under this lease, make such improvements in the ferry houses, etc., as the City Engineer and Commissioner of Public Works may deem necessary, and he shall, during the continuance of the lease proceed to execute such improvements and betterments as in the opinion of the City Engineer and Commissioner of Public Works are necessary for the safety, comfort and convenience of the passengers.

The purchaser of this franchise shall, on the last day of his lease, or at the termination of any extended time, peaceably leave, surrender and yield the said ferries, as also the ferry property and boats and improvements, with all the rights provided and appurtenances thereunto belonging, and other fixtures and improvements which may have been erected for the use of said ferries and the proper maintaining of same, in good order and condition, into the possession of the city of New Orleans, or to such party or parties to whom may be adjudicated the privilege for continuing the ferries shall purchase all betterments and improvements, wharves, docks, floats, pavement, ferry houses and other property of the retiring lessee which was used upon and for said ferries, and actually necessary for the purpose of operating said ferries, at a fair appraised valuation to be fixed by two appraisers, one to be appointed by the said lessee and one to be appointed by the lessor. In case of disagreement of said two appraisers, the said appraisers shall appoint an umpire, who shall decide between them, and the finding of the majority of said board of appraisers shall be binding.

Sale of privileges.

Surrender and transfer of privileges.

Term of franchise. The privilege of operating the said ferries to be for the full term of ten years and to be in accordance with the terms and conditions herein set forth, and to begin immediately on the expiration of the present lease or as soon thereafter as the purchaser has qualified.

Payments. The party or parties to whom is adjudicated the privilege of operating these ferries, shall, on the adjudication, pay into the city treasury one-fourth of the whole amount for which the privilege is sold, and shall execute three notes in favor of the city in equal proportions, the aggregate amount of the notes to be three-fourths of the total amount for which the privilege is sold, which notes will be due one, two and three years after the date which the purchaser enters into the enjoyment of the privilege, so that the first note will be due on the 31st day of December, 1897, the second note on the 31st day of December, 1898, and the third note on the 31st day of December, 1899, these notes to bear interest at the rate of 8 per cent. per annum from maturity until paid, and to be endorsed and deposited with the Treasurer of the city of New Orleans.

Deposit. All parties desirous of bidding for these privileges, before being eligible to do so, shall first deposit with the City Treasurer the sum of \$5000 in currency or certified checks, which deposit will be exhibited to the Comptroller at the time of the sale, and which deposit will be to insure the signing of the contract. This deposit will be returned to all unsuccessful bidders on the adjudication of the contract and to the successful bidder on the signing of the contract.

Bond. The party or parties to whom this privilege is awarded will give bond with good and solvent security in the full sum of \$20,000 to guarantee faithful compliance with the terms of these specifications.

The city reserves the right to reject any and all bids.

Office City Engineer, New Orleans, May 21, 1895.

L. W. BROWN, *City Engineer.*

Said Thomas Pickles, lessee, declared that he accepts this lease and exclusive privilege, on the terms and conditions herein set forth, and subject to the provisions of said aforesaid specification, and promises for and binds himself and his heirs or assigns to a faithful compliance therewith in all and every particular, and he hereby specially agrees and binds himself to cause to be constructed and maintained the wharves and ferry houses and other improvements as set forth in the specifications as herein referred to.

In consideration of the faithful compliance with all the foregoing and the maintenance and the operation of the steam ferries at said points, by said Thomas Pickles, lessee, or assigns, he,

said lessee, shall be entitled to charge and receive the prices for ferry service, set forth in the foregoing specifications.

This sale, lease and exclusive ferry privilege is made and accepted in pursuance of the public adjudication made by the Honorable Charles R. Kennedy, Comptroller of the city of New Orleans, on the 24th day of July, 1895, for and in consideration of the payment by said Thomas Pickles, lessee, of the sum of forty-nine thousand (\$49,000) dollars, for the whole term of this lease and privilege, payable in the manner following, to-wit:

Twelve thousand two hundred and fifty (\$12,250) dollars in cash current money having been paid by the said Thomas Pickles at the execution of these presents, the receipt whereof is hereby acknowledged by said Hon. Irwin Jamison, acting Mayor, for and on behalf of the said city of New Orleans, and full acquittance and discharge granted therefor: and to represent the balance of said price, to-wit: the sum of thirty-six thousand seven hundred and fifty (\$36,750) dollars, said Thomas Pickles, lessee, has made and delivered three certain promissory notes to his own order and by him endorsed, each for the sum of twelve thousand two hundred and fifty (\$12,250) dollars, payable respectively, the first note on the 31st day (fixed) of December, 1897, and the second note on the 31st day (fixed) of December, 1898, and the third note on the 31st day (fixed) of December, 1899, and bearing interest at the rate of eight per centum per annum from maturity until paid, the receipt whereof is hereby acknowledged, and due acquittance and discharge granted therefor, all of said notes have been endorsed to the satisfaction of the City Council of the city of New Orleans, by

Which said promissory notes, after having been paraphed *ne varietur* by me, notary, for identification with this act, have been delivered to said Irwin Jamison, acting Mayor, who acknowledges the receipt thereof.

It is agreed and understood by and between the parties hereto that in all other respects not herein specially mentioned the execution of this contract and privilege shall be governed by the afore-recited specifications.

ART. 689. Whereas, under the contract entered into between the city of New Orleans and Capt. Pickles for the leasing of the First, Second and Third District Ferries, the said Capt. Thos. Pickles obligated himself to place in operation at Canal street two boats; and whereas, the said Capt. Thos. Pickles is making considerable improvements at the landing of the Canal street ferry on the Algiers side in the way of new wharves and ferry

Extending time
of double
service.
Ord. No. 11,302,
C. S.
Sept. 10, 1895.

house; and whereas, it is absolutely necessary that said improvements be completed before the said double service can be put in effect; and whereas, said improvements can not be completed until about October 15.

Resolved, That the said Capt. Thos. Pickles be and he is hereby granted an extension of time until October 15

JACKSON STREET FERRY.

The Honorable John Fitzpatrick, Mayor of the city of New Orleans, herein acting in his official capacity as Mayor aforesaid, being herein and hereunto specially authorized and empowered by Ordinance No. 11,767, Council Series, adopted by the City Council of the city of New Orleans on the 14th day of January, A. D. 1896, and previous proceedings of the City Council, a duly certified copy of which ordinance is hereunto annexed and made part hereof.

Second—The Hon. Louis H. Marrero, President of and herein representing the Police Jury of the parish of Jefferson, State of Louisiana, under and by virtue of the authority conferred on him by a resolution adopted by said Police Jury at a session held on the 30th day of January, A. D. 1896, a duly certified copy of which resolutions hereunto annexed.

Also came and appeared Mr. Thomas Pickles, of this city.

Said John Fitzpatrick, Mayor, and said Louis H. Marrero, President as aforesaid, severally and mutually declared that, acting in their aforesaid representative capacity, and for and on behalf of the city of New Orleans and the said parish of Jefferson, and under and by virtue of the authority conferred on them respectively by said Ordinance No. 11,767, Council Series, and the aforementioned resolution of the Police Jury of the parish of Jefferson, and for the consideration and on the terms and conditions hereinafter set forth,

They do, by these presents grant, bargain, sell, make over and lease unto said Thomas Pickles, his heirs, assigns and successors, the right and privilege of operating and maintaining at his own cost, charge and expense, a steam ferry or ferries, to ply between the Fourth District of the city of New Orleans, from the head of Jackson avenue, and the parish of Jefferson, on the right bank of the Mississippi river at a point at or near Lavoissier street, Gretna, for a period of ten (10) years, to begin and be computed from the 1st day of January, one thousand eight hundred and ninety-six (1896), and to end on the 31st day of December, one thousand nine hundred and six (1906).

The whole in pursuance of the provisions of said Ordinance No. 11,767, Council Series, and previous proceedings by the City Council, and the aforementioned resolution and previous pro-

ceedings of said police jury, and in strict conformity with the specifications, which are in words and figures following, to-wit:

SPECIFICATIONS FOR THE SALE OF THE LEASE OF THE JACKSON STREET FERRY PRIVILEGE FOR A PERIOD OF TEN YEARS.

The ferry landing on the left bank of the Mississippi river, in the Fourth District of the city of New Orleans, will be that portion of the bank of the river extending from the lower line of Jackson street up one hundred and fifty feet. The ferry landing on the right bank of the Mississippi river to be in Gretna, and to have a frontage of one hundred and fifty-five feet on the river at about the head of Lavossier street. This description is the same as the location now being occupied by this ferry.

Franchise.

The parties to whom this lease is adjudicated shall maintain in good repair and condition during the continuance of the lease substantial pontoons at each of the landings on each side of the river so as to provide a convenient and safe landing for the boats and proper connection with the shore for both passengers and vehicles.

Repairs.

The pontoons or floating wharves to be strong and substantial and of proper dimensions, properly decked, and provided with the necessary railings and other appurtenances. Such pontoons as are, in the opinion of the City Engineer, insufficient in dimensions or are deteriorated to such an extent as to be unsafe, will be replaced by new ones, which will be built of such dimensions and in such manner and according to such plan as will be approved by the City Engineer. The connection which will be made between this pontoon against which the boats land and the shore for the passage of vehicles and passengers will be of such construction as will admit of the slope at extreme high or low water to be such as will be required by the City Engineer, these inclines to be as easy as the conditions existing at the different points will admit.

Pontoons
and floating
wharves.

The gangway for vehicles shall be not less than thirteen feet wide, and for passengers shall be not less than six feet wide, and these connections to be thoroughly and substantially built of iron, secured to piling, the whole work to be done in the most thorough manner, and such existing wooden structures as are now existing will, as same are sufficiently deteriorated to require renewing, be reconstructed of iron, plans for such reconstruction to be approved by the City Engineer.

Gangway.

All bridges and landings to be at all times maintained in a thoroughly safe and substantial condition and to the entire satisfaction of the City Engineer, and all new work to be done under his supervision.

Bridges and
landings.

The lessee shall, during the continuance of the lease, maintain in good order and condition the existing improvements on the

Improvements to be kept in good condition. left bank at the head of Jackson street, and make such other improvements for the proper landing of the boats as may be necessary.

Lights. The lessee shall be bound to provide and maintain, at his own expense, a sufficient number of lights on and in the landings, wharves, buildings above mentioned, and such as shall be approved by the City Engineer.

Boats. The lessee shall be bound to run, or cause to be run, during the hours hereinafter mentioned, one or more good and substantial steamboats; the boat or boats shall be of a capacity of not less than one hundred tons burden, customhouse measure, and to be constructed and maintained in every respect suitable for first-class ferryboats.

Trips. During the months of November, December, January and February the lessee shall be bound to start the boats not later than 6 o'clock in the morning. During the months of March, April, May, June, July, August, September and October not later than 5 o'clock in the morning, and continue running the same so as to make at least five crossings of the river each and every hour until 9 o'clock at night in the summer and 8 o'clock in the winter, at which time the boat will leave the landing on the New Orleans side.

Night trips. The lessee shall be bound to place and maintain during said lease a good and substantial tugboat, capable of transporting thirty (30) passengers and at least one vehicle at a time across the river from either side at all hours of the night, from the time the day ferryboats stop running until they commence running again in the morning, making throughout the night at least one round trip every half hour.

Responsibility. The lessee shall hold himself responsible as a common carrier not only to the Police Jury of the parish of Jefferson and the city of New Orleans, but to any and all persons who may be aggrieved at his non-compliance with the above stipulations, and that such parties may bring suit in any court of competent jurisdiction for the full amount of damages resulting from failure on the part of lessee.

Charges. The maximum rates the lessee shall have the right to charge shall be as follows, to-wit:

For every foot passenger, five cents.

For every passenger on horse or mule back, or both included, ten cents. For every bicycle and rider, five cents.

For every head of cattle, horse or mule, ten cents.

For every hearse one (\$1) dollar.

For every vehicle, except when loaded with lumber, drawn by one horse or mule, 25 cents, or 100 tickets for \$20. The lessee or lessees, however, shall not be required to sell less than 100 tickets to any one person.

For every vehicle, except loaded floats or cotton wagons, drawn by two horses or horse kind, whether loaded or unloaded, 50 cents.

For every loaded float or cotton wagon, which are drawn by three or more horses or horse kind, loaded or unloaded, one (\$1) dollar.

For every two-wheeled vehicle loaded with lumber, 50 cents.

On all vehicles the drivers shall be allowed to ride free, excepting on tally-hos, when four passengers will be allowed to ride free.

For every sack of coffee, flour, salt, buckwheat, barley, bran, wheat, boxes corn, oats, corn meal, turnips, apples, etc., all articles in sacks, bags or boxes, not exceeding three cubic feet, 5 cents.

For every box of dry goods, merchandise, over three and not exceeding ten cubic feet, 10 cents.

For every barrel, ten cents.

For every tierce of rice, meat, etc., 20 cents.

For every half barrel, 5 cents.

For every hogshead of meat, sugar, etc., 50 cents.

For every bale or bundle of empty sacks, 10 cents.

For every bale of cotton, moss, etc., 10 cents.

For lumber, when received at one landing and delivered at the other, for freight and labor, per thousand feet, board measure, two (\$2) dollars.

For bricks, when received at one landing and delivered at the other, for freight and labor, per thousand, three (\$3) dollars.

For every trunk, 10 cents.

For bar and pig iron, per 100 pounds, 5 cents.

For every goat, sheep or hog, 5 cents.

For every grate for furnace or chimney, 5 cents.

For every five-gallon can or demi-john, 5 cents.

For every nest of tubs, buckets or measures, 5 cents.

For every crate of earthenware or such kind, 50 cents.

For small articles carried by passengers in their hands no charge shall be made.

For articles not enumerated, corresponding rates may be made or charged, and for heavy spars, machinery, boilers, etc., of unusual dimensions or weight, such prices as may be agreed upon.

For every passenger crossing at night in the tugboat, between the hours of 9 o'clock P. M. and 5 o'clock A. M., 10 cents, and for all other transportation double the rates set forth.

The lessee shall carry to and fro, free of charge, the charity wagons of the city and ambulances of the Charity Hospital, with their drivers and attendants, and the regular police officers of both corporations, while in the discharge of their official duties.

No freight shall be left on the boats weighing over 200 pounds, and a double charge will be made for all freight left on the boats over night and not called for by the consignee or consignor.

For small articles not enumerated a charge of 5 cents will be made, and the lessee shall give receipt and be responsible for same.

All freight shall be delivered on the floating wharf by the shippers and shall be delivered on the other side and be immediately removed from the floating wharf by the shipper or consignee.

Pilots and Engineers. The lessee shall be bound to employ as pilots and engineers none but such as are fully competent to their task or employ, and such only as shall have certificates from the proper officers appointed by the United States government to grant such certificates.

Limits. The exclusive rights of the ferry privilege shall embrace the limits of the Fourth District of the city of New Orleans, on the left bank, and between the Richard street and Louisiana avenue ferry, on the right bank.

Sale of property. The privilege for operating this ferry to be sold by the City Comptroller of the city of New Orleans after due advertisement by public auction, and the party or parties to whom is adjudicated the privilege to operate these ferries shall purchase from the present lessee such property and improvements at a valuation fixed upon by the appraisers as provided for in the existing lease between the city of New Orleans and Mr. Thomas Pickles.

Appraisement. Said appraisers shall be appointed at least ten days prior to the expiration of the lease of said Thomas Pickles, and shall complete their appraisement within five days, and the successful bidder shall pay in cash to said Thomas Pickles the valuation fixed by said appraisers upon the boats, buildings, improvements, docks, bridges and other improvements and betterments constructed by said Thomas Pickles during the course of his lease and turned over to him by said appraisers.

Payment before delivery. This cash payment to be made upon delivery by said Thomas Pickles to said successful bidder, said delivery to be made upon the day of the expiration of the lease of said Thomas Pickles by said successful bidder, and said successful bidder shall not be entitled to said delivery until he shall have made said cash payment.

Improvements. It is understood that the lessee shall, within six months after he begins the operation of the ferry under this lease, make such improvements in the ferry houses, etc., as the City Engineer may deem necessary, and he shall, during the continuance of the lease, proceed to execute such improvements and betterments as in the opinion of the City Engineer are necessary for the safety, comfort and convenience of the passengers.

Surrender of franchise at expiration of term. The purchaser of this franchise shall, on the last day of his lease or at the termination of any extended time, peaceably leave, surrender and yield the said ferries, as also the ferry property and boats and improvements, with all the rights provided

and appurtenances thereunto belonging, and other fixtures and improvements which may have been erected for the use of said ferries and the proper maintaining of same, in good order and condition, into the possession of the city of New Orleans, or to such party or parties to whom may be adjudicated the privilege for continuing the ferries shall purchase all betterments and improvements, wharves, docks, floats, pavements, ferry houses and other property of the retiring lessee, which was used upon and for said ferries and actually necessary for the purpose of operating said ferries, at a fair appraised valuation, to be fixed upon by two appraisers, one to be appointed by the said lessee and one to be appointed by the lessor. In case of disagreement of said two appraisers, the said appraisers shall appoint an umpire, who shall decide between them, and the finding of the majority of said board of appraisers shall be binding.

The privilege of operating said ferry to be for the full term of Time of franchise. ten years, and to be in accordance with the terms and conditions herein set forth and to begin immediately on the expiration of the present lease or as soon thereafter as the purchaser has qualified.

The party or parties to whom is adjudicated the privilege of operating this ferry shall, on the adjudication, pay in equal parts to the Treasurer of the city of New Orleans and the police jury of the parish of Jefferson one-third of the amount for which the privilege is sold, in cash, and the balance in one and two years, and will execute two notes, one in favor of the city of New Orleans, and deliver same to the Treasurer of the city of New Orleans, and one in favor of same delivered to the police jury of the parish of Jefferson, which notes shall be of equal proportions, and which notes shall be due one and two years after the date which the purchaser enters into the enjoyment of this privilege, these notes to bear interest at the rate of 8 per cent. per annum from maturity until paid.

All parties desirous of bidding for this privilege before being eligible to do so shall first deposit with the City Treasurer of the city of New Orleans the sum of \$2500 in currency or certified check, which deposit will be exhibited to the Comptroller at the time of sale, and which deposit will be to insure the signing of the contract. This deposit will be returned to all unsuccessful bidders on the adjudication of the contract and to the successful bidder on the signing of the contract. Deposit.

The party or parties to whom this privilege is awarded will give bond with good and solvent security in the full sum of \$10,000 to guarantee faithful compliance with the terms of these specifications, and shall construct a neat, substantial building for waiting-room, etc., on the right bank of the river about the head of Lavoissier street, at the present landing of said Jackson street ferry and construct a brick foot walk seven feet wide from said ferry, house to the property line on Front street, the above to be Bond.

in accordance with plans and specifications to be approved by the police jury of the parish of Jefferson and to be completed within six (6) months. The lessee or lessees shall be required to construct two approaches at Jackson street of vitrified brick, in accordance with plans and specifications to be approved by the City Engineer.

The right is reserved to reject any or all bids.

Office City Engineer, New Orleans, July 30, 1895.

L. W. BROWN,
City Engineer.

AMENDMENTS TO SPECIFICATIONS.

For the Sale of the Lease of the Jackson Street Ferry.

Waiting rooms. The party or parties purchasing this lease shall, within six months after purchase, construct at the head of Jackson street a neat, substantial building for waiting rooms, offices, etc., provided with a tower and clock, plans and specifications for same to be approved by the City Engineer. L. W. BROWN.

New Orleans, Aug. 9, 1895.

City Engineer.

Amendment by City Council, Nov. 5, 1895.

Terms of payments. Motion by Mr. Kane—I move that these specifications for the sale of the Jackson street ferry privilege be amended in so far as regards the payment as follows: That one-half of the amount bid for said franchise, and which is to be paid to the parish of Jefferson as their portion, be paid in twenty equal annual instalments. Adopted.

Amended by City Council, Dec. 10, 1895.

By Mr. Jamison—Moved, that the specifications for sale of the Jackson street ferry franchise be amended in so far as the rates of fare to be charged by the successful bidder, so as to read as follows:

Charges. That the rate of fare shall be the same as that charged by the lessee and provided in contract for the Canal street ferry, and the Comptroller be and he is hereby directed to call the attention of bidders to above change in specifications at the time of sale. Adopted.

Said Thomas Pickles, lessee, declared that he accepts this lease and exclusive privilege on the terms and conditions herein set forth, and subject to the provisions of said aforecited specifications, and promises for and binds himself and his heirs or assigns to faithful compliance therewith in all and every particular, and he hereby specially agrees and binds himself to cause to be constructed the wharves, ferry houses, walks, approaches, etc., as set forth in the specifications as hereinbefore referred to.

In consideration of the faithful compliance with all the foregoing and the maintenance and operations of steam ferries at such point by said Thomas Pickles or assigns, he, said lessee, shall be entitled to charge and receive the price for ferry service set forth in the foregoing specifications, subject to the amendments.

This sale, lease and exclusive ferry privilege is made and accepted in pursuance of the public adjudication made by the Honorable Charles R. Kennedy, Comptroller of the city of New Orleans, on the 12th day of December, A. D. 1895, for and in consideration of the payment by said Thomas Pickles, lessee, of the sum of ten thousand (\$10,000) dollars for the whole term of this lease and privilege, payable to the city of New Orleans and the parish of Jefferson, in equal portions.

This lease or extension of franchise is made and accepted for and in consideration of the price and sum of ten thousand (\$10,000) dollars for the full term of ten years, which has been settled in the manner following, to-wit:

Sixteen hundred and sixty-six $66\frac{2}{3}$ -100 (\$1666.66 $\frac{2}{3}$ -100) dollars cash, has been paid in cash current money by said Thomas Pickles, lessee, at the execution of these presents and in the presence of the undersigned notary and witnesses, to the Honorable John Fitzpatrick, Mayor, and the sum of two hundred and fifty (\$250) dollars cash, the amount of the first semi-annual payment, has been handed to said Louis H. Marrero, president of the police jury of the parish of Jefferson, the receipt of which amount is hereby acknowledged by said parties, respectively, who each grant full acquittance and discharge therefor.

And to represent the balance of said price, to-wit: the sum of six thousand six hundred and sixty-six $66\frac{2}{3}$ -100 (\$6666.66 $\frac{2}{3}$ -100) dollars, one-half of which, to-wit: the sum of three thousand three hundred and thirty-three $33\frac{1}{3}$ -100 (\$3333.33 $\frac{1}{3}$ -100) dollars, which goes each to the city of New Orleans and the parish of Jefferson, respectively, has been settled for by said Thomas Pickles in the manner and form following to-wit: He has executed and delivered two certain promissory notes, to the order of the city of New Orleans, dated the 2d day of January, A. D., 1896, and payable respectively at one and two years after date, each for the sum of one thousand six hundred and sixty-six $66\frac{2}{3}$ -100 (\$1666.66 $\frac{2}{3}$ -100) dollars, with interest at the rate of 8 per cent. per annum from maturity until paid; which two notes, at the execution of these presents, have been delivered to the Hon. John Fitzpatrick, Mayor of the city of New Orleans, who acknowledges the receipt thereof and grants full acquittance and discharge therefor.

Said Thomas Pickles has also executed nineteen certain promissory notes, all dated January 2, 1896, each for the sum of two hundred and fifty (\$250) dollars, to the order of the parish of Jefferson, and payable respectively, one every six months, the first

note being payable on the 1st day of July, A. D., 1896, and a note each succeeding six months thereafter, the last note made payable on the 31st day of December, A. D. 1896, all bear interest at the rate of eight (8) per centum per annum from maturity until paid, which said notes have been handed to L. H. Marrero, President of said Police Jury, who acknowledges the receipts thereof and grants full acquittance and discharge therefor.

All of which said afore-described promissory notes have been paraphed *Ne varietur* by me, notary, for the purpose of identification with this act.

NAPOLÉON AVENUE FERRY.

First—The Honorable John Fitzpatrick, Mayor of the city of New Orleans, herein acting in his official capacity aforesaid, being herein and hereunto specially authorized and empowered by Ordinance No. 8857, Council Series, adopted by the City Council of the city of New Orleans on the 13th day of March, A. D. 1894, and previous proceedings of the City Council, a duly certified copy of which ordinance is hereunto annexed and made part hereof:

Second—The Honorable Louis H. Marrero, president of and herein representing the police jury of the parish of Jefferson, State of Louisiana, under and by virtue of the authority conferred on him by a resolution adopted by said police jury at a session held on the 7th day of February, A. D. 1894, a duly certified copy of the resolution is hereunto annexed.

Said John Fitzpatrick, Mayor, and said Louis H. Marrero, president, as aforesaid, severally and mutually declared that, acting in their aforesaid respective capacity and for and on behalf of the city of New Orleans and the said parish of Jefferson, and under and by virtue of the authority conferred on them respectively by said Ordinance No. 8857, Council Series, and the aforementioned resolution of the police jury of the parish of Jefferson, and for the consideration and on the terms and conditions hereinafter set forth,

They do, by these presents, grant, bargain, sell, make over and lease unto said John Herbert, his heirs, assigns and successors, the exclusive right and privilege of operating and maintaining, at his own cost, charge and expense, a steam ferry launch, to ply between the Sixth District of the city of New Orleans, from the head of Napoleon avenue, and the parish of Jefferson, on the right bank of the Mississippi river, at a point at or near Amesville, in the parish of Jefferson, for a period of twenty-five (25) years, to begin and to be computed from the 19th day of February, one thousand eight hundred and ninety-four (1894), and to end on the 18th day of February, one thousand nine hundred and nineteen (1919).

The whole in pursuance of the provisions of said ordinance No. 8858, Council Series, and previous proceedings of the City Council, and the aforementioned resolution of said Police Jury, and in strict conformity with the specifications, which are in words and figures following, to-wit:

SPECIFICATIONS FOR SALE OF A FRANCHISE FOR A STEAM FERRY LAUNCH FROM NAPOLEON AVENUE, SIXTH DISTRICT, TO SUCH POINT IN THE PARISH OF JEFFERSON AS MAY BE DETERMINED BY THE POLICE JURY OF SAID PARISH. THIS FRANCHISE IS SOLD FOR A PERIOD OF TWENTY-FIVE YEARS FROM DATE OF ADJUDICATION.

There shall be kept and maintained in good condition during the continuation of the lease at each terminus of this ferry a substantial and convenient floating wharf not less than twenty-five feet in length and six feet in width and constructed in such manner as to provide a suitable landing.

Wharves to be kept in good condition.

There is also to be maintained at each ferry terminus, of such dimensions as will be deemed necessary for the accommodation of passengers, a suitable house, and a gangway not less than four feet wide will be provided for the ingress and egress of passengers to and from the landing on either side.

Waiting rooms and gangways.

The purchaser or purchasers of this franchise shall obligate themselves to run or cause to be run a strong, substantial steam launch as follows: From the first of March to the first of November, from 5 A. M. to 8 P. M., and from the first of November to the first of March from 6 A. M. to 7 P. M. It being understood that the boat will leave the Jefferson side on arrival of each passenger train on Texas & Pacific Railroad. The launch employed must be strong and substantially built, and pass inspection by the proper government officers.

Steam launch.

The above lessee or lessees of this ferry shall be required to maintain an electric light at their landing place on this side of the river.

Lights.

From one-half hour before sunrise to one-half hour after sunset the charges will be as follows: Fifteen tickets, each ticket good for one passage either way between the hours above mentioned, for one dollar; seven tickets for fifty cents, or three tickets for twenty-five cents. A single passage either way shall be ten cents. Crossing and returning same day, fifteen cents for round trip.

Charges.

Package weighing twenty-five pounds and under, five cents; package weighing over twenty-five pounds and less than one hundred pounds, ten cents.

Package weighing over one hundred pounds, ten cents for each hundred pounds.

From one-half hour after sunset to one-half hour before sunrise the fare shall be twenty-five cents for each passenger either

way, and the lessee will have the right to run a strong, substantial skiff during the night.

Responsibility. The purchaser or purchasers of this franchise shall be responsible not only to the Police Jury of the parish of Jefferson and the City Council of the city of New Orleans as a common carrier, but also to any and all persons who may be aggrieved by his non-compliance or ill-compliance with the stipulations of the above specifications, and said injured person or persons may bring suit in any court of competent jurisdiction either in the parish of Orleans or Jefferson for the full amount of damage sustained by the said person or persons resulting from active or passive violation of this franchise.

Police free. When in the discharge of official duties, but at no other time, lawfully constituted police officers of the city of New Orleans and the parish of Jefferson shall be entitled to free passage to and from said ferry.

Bond. The purchaser of this franchise shall bind himself, his heirs and assigns, by a good and solvent bond, in the sum of one thousand dollars, to well and faithfully perform and execute strictly in accordance with the conditions and terms of the specifications above set forth for the privilege to operate this ferry.

Forfeiture. It is distinctly understood that should the purchaser or purchasers of this franchise at any time fail or neglect to keep and maintain the landing, wharf, boat or buildings in good order and condition he shall forfeit to the city of New Orleans and to the parish of Jefferson the purchase price of this lease and privilege, and the said city of New Orleans and the Police Jury of Jefferson parish shall have the right to re-advertise and sell this ferry privilege for account and risk of this lease and sureties.

Payments. The purchaser or purchasers of this franchise shall agree to pay the amount of their bid as follows:

Thirty-three (33) per cent, on the signing of the contract; thirty-three (33) per cent. twelve months thereafter, and the balance, or thirty-three (33) per cent., twenty-four months after the signing of the contract.

One-half of the first payment to be paid direct to the city of New Orleans, and the other one-half direct to the president of the Police Jury of the parish of Jefferson.

Each of the two deferred payments will be made in two notes, one-half in favor of the city of New Orleans and one-half in favor of the parish of Jefferson, and these notes to bear interest at the rate of eight per cent. per annum from date until paid, the notes to be endorsed to the entire satisfaction of the City Council of the city of New Orleans and the Police Jury of the parish of Jefferson.

The city reserves the right to reject any and all bids for this franchise.

Bidders for this franchise will deposit with the City Treasurer

the sum of one hundred dollars to guarantee the signing of contract, which deposit will be returned to all unsuccessful bidders on the adjudication of the contract and to the successful bidder on the signing of the contract.

Deposit.

New Orleans, March 21, 1893.

L. W. BROWN,
City Engineer.

Here intervened said John Herbert, lessee, who declared, that he accepts this lease and exclusive privilege on the terms and conditions herein set forth, and subject to the provisions of said aforesaid specifications, and promises for and binds himself and his heirs or assigns to a faithful compliance therewith in all and every particular, and he hereby specially agrees and binds himself to cause to be constructed the wharves and ferry houses as set forth in the specifications as hereinbefore referred to.

In consideration of the faithful compliance with all the foregoing and the maintenance and operation of a steam ferry launch at said point, by said John Herbert or assigns, he, said lessee, shall be entitled to charge and receive the prices for ferry service set forth in the foregoing specifications.

This sale, lease and exclusive ferry privilege is made and accepted in pursuance of the public adjudication made by the Honorable Charles R. Kennedy, Comptroller of the city of New Orleans, on the 19th day of February, A. D. 1894, for and in consideration of the payment by said John Herbert, lessee, of the sum of fourteen hundred dollars for the whole term of this lease and privilege, payable in the manner following, to-wit:

Four hundred and sixty-six dollars and sixty-six and two-thirds cents (\$466.66 $\frac{2}{3}$) in cash, current money, one-half each to the city of New Orleans and the parish of Jefferson, having been paid by said John Herbert, at the execution of these presents, the receipt whereof is hereby acknowledged by said Mayor and President of said Police Jury, respectively, for the city of New Orleans and the parish of Jefferson, and full acquittance and discharge granted therefor.

And to represent the balance of said price, to-wit: the sum of nine hundred and thirty-three dollars and thirty-three and one-third cents (\$933.33 $\frac{1}{3}$) said John Herbert has made and delivered four certain promissory notes, each for the sum of two hundred and thirty-three dollars and thirty-three and one-third cents (\$233.33 $\frac{1}{3}$), all bearing even date herewith, which are divided into two series, payable one series to the order of the city of New Orleans, and the other series to the order of the parish of Jefferson, said notes having been made, two each payable at one year and two each payable at two years after date, all bearing interest at the rate of 8 per cent. per annum from maturity until paid. All said notes having been endorsed to the satisfaction of the City Council of the city of New Orleans by

Which said notes having been paraphed *ne varietur* by me, notary, for identification with this act, have been delivered one series to said John Fitzpatrick, Mayor, and one series to said Louis H. Marero, President, who respectively acknowledge the receipt of the same.

It is also understood, that in all other respects not herein specially mentioned, the execution of this contract shall be governed by said aforerecited specifications.

PINE STREET FERRY.

First—The Hon. John Fitzpatrick, Mayor of the city of New Orleans, herein acting in his official capacity aforesaid, being herein and hereunto specially authorized and empowered by Ordinance No. 8858, Council Series, adopted by the City Council of the city of New Orleans on the 13th day of March A. D. 1894, and previous proceedings of the City Council, a duly certified copy of which ordinance is hereunto annexed and made part hereof.

Second—The Hon. Lucien H. Marero, president of and herein representing the police jury of the parish of Jefferson, State of Louisiana, under and by virtue of the authority conferred on him by a resolution adopted by said police jury at a session held on the 7th day of February, A. D. 1894, a duly certified copy of which resolution is hereunto annexed.

Said John Fitzpatrick, Mayor, and Lucien H. Marero, president, as aforesaid, severally and mutually declared that, acting in their aforesaid representative capacity and for and on behalf of the city of New Orleans and the said parish of Jefferson, and under and by virtue of the authority conferred on them respectively by said Ordinance No. 8858, Council Series, and the aforementioned resolution of the police jury of the parish of Jefferson, and for the consideration and on the terms and conditions hereinafter set forth,

They do by these presents grant, bargain, sell, make over and lease unto said Thomas Pickles, his heirs, assigns and successors, the exclusive right and privilege of operating and maintaining at his own cost, charge and expense, a steam ferry or ferries, to ply between the Sixth District of the city of New Orleans, from the head of Pine street and the parish of Jefferson, on the right bank of the Mississippi river, at a point at or near Westwego, in the parish of Jefferson, for a period of twenty-five (25) years, to begin and be computed from the 19th day of February, one thousand eight hundred and ninety-four (1894), and to end on the 18th day of February, one thousand nine hundred and nineteen (1919).

The whole in pursuance of the provisions of said Ordinance No. 8858, Council Series, and previous proceedings of the City Council and the aforementioned resolution of said police jury, and in

strict conformity with the specifications, which are in the words and figures following, to-wit:

SPECIFICATIONS FOR THE SALE OF THE PRIVILEGE OF OPERATING A FERRY TO LAND AT THE HEAD OF PINE STREET, IN THE CITY OF NEW ORLEANS, AND AT SUCH POINT ON THE OPPOSITE SIDE OF THE RIVER AS PERMISSION MAY BE GIVEN BY THE POLICE JURY OF THE PARISH OF JEFFERSON.

The ferry landing on the left bank of the river shall be at the head of Pine street, Sixth District, in the city of New Orleans, until the expiration of the present ferry privilege at the head of Henry Clay avenue, which privilege expires in 1895, when the location may be changed to such point as may be selected by the City Engineer, of the city of New Orleans, approved by the Mayor, it being understood that the location will be between Henry Clay avenue and Pine street, or at the head of either of those two streets.

Location

Suitable bridges, approaches, pontoons, etc., will be constructed to form an approach which will be satisfactory to the City Engineer.

Bridges, pontoons, etc.

That portion of the batture, outside of the levee and between it and the bridge, which connects with the ferry, will be either filled in with solid earth or may be piled so as to provide a roadway which will be placed at a grade of not less than nineteen feet on the Canal street gauge.

Batture.

The approach to this landing on the land side of the levee will be made by filling in and forming a ramp, which ramp will have an incline not exceeding one foot vertical to fifteen feet horizontal. The ramp on the top of the levee to be either planked or covered with hard substance, either brickbats, shells or gravel, and will be maintained in thoroughly good order.

Approaches.

The landing on the right bank of the river shall be located, and the stipulations in connection therewith will be provided for by the police jury of the parish of Jefferson.

Landing, right bank.

The purchaser of this franchise shall be bound to construct and always keep in good repair and condition during the continuance of the lease ferryboat landings and approaches on either side of the river, as also his boat or boats, as may be required. The work of construction and maintenance to be entirely satisfactory to the City Engineer.

To be kept in good condition and repair.

The gangway for vehicles and merchandise shall be no less than twelve feet wide, and the gangway for passengers shall be not less than five feet wide. The incline of these gangways, at extreme low water, shall not exceed one and one-half inches to the foot. The gangway for vehicles to be of sufficient strength to pass any load drawn by four horses or mules.

Gangway.

There will also be constructed on either side of the river a house of sufficient dimensions for the accommodation of

Accommodations.

passengers and freight, the whole to the entire satisfaction of the City Engineer.

It is distinctly understood that the purchaser of this franchise shall not be allowed to use or lease this privilege for any other purpose than mentioned in the specifications.

Lights. The lessee shall also be bound to provide and maintain at his own expense a sufficient number of lights on the wharves, landings and buildings above mentioned.

Boats. The lessee shall run or cause to be run during the hours hereinafter named one or more good, substantial steamboats. The boat or boats shall have a capacity to carry not less than two loaded double teams. The boat shall also have a cabin divided into two compartments to afford neat and suitable accommodations for two classes of passengers, the whole constructed and maintained in every respect suitable for a first-class ferryboat.

Inspection. The lessee shall be bound to cause the boats and boilers to be examined by qualified Inspectors of Boilers and Hulls at least every six months, and the certificates of these officers shall be exposed to public view in the boat's cabin.

The city of New Orleans and the Police Jury of the parish of Jefferson reserve to themselves the right to cause the hull and boilers to be examined by competent shipwrights and engineers whenever in their opinion they may think public interests require it, it being understood that the cost and charges made for this examination shall be defrayed by the parties ordering it.

Time and number of trips. The lessee shall be bound to start the boats during the months of March, April, May, June, July, August and September of each year not later than 5 o'clock in the morning, and during the months of October, November, December, January and February not later than 6 o'clock in the morning, and to continue running the same so as to make one round trip at least every half hour until 8 o'clock in the summer and 7 o'clock in the winter, at which hour the boat will leave the landing on the New Orleans side.

Skiff. The lessee shall be bound to place and maintain during said lease a good and substantial skiff capable of transporting twelve passengers at a time across the river from either side at all hours of the night from the time the day ferry stops running until it resumes its trip in the morning, making throughout the night at least one round trip every hour.

Responsibility. The lessee shall hold himself responsible as a common carrier not only to the Police Jury of the parish of Jefferson and the city of New Orleans, but to any and all persons who may be aggrieved at his non-compliance with the above stipulations, and that such injured parties may bring suit in any court of competent jurisdiction for the full amount of damages resulting from failure on the part of the lessee.

The maximum rates the lessee shall have the right to charge Charges.
shall be as follows, to-wit:

For every foot passenger.....	05 cents
For every passenger on horse or mule back, or both in- cluded.....	10 "
For every head of cattle, horse or mule.....	10 "
For every hearse.....	\$1 00
For every vehicle, except when loaded with lumber, drawn by a horse or mule.....	25 cents
For every vehicle, float or cotton wagon drawn by two horses or horse kind, whether loaded or unloaded	50 "
For every loaded float or cotton wagon which is drawn by three or more horses or horse kind, loaded or unloaded.....	1 00
For every two-wheeled vehicle loaded with lumber.....	50 cents
For every sack of coffee, flour, salt, buckwheat, barley, bran, wheat, boxes, corn, oats, cornmeal, turnips, apples, etc., all articles in sacks, bags or boxes, not exceeding three cubic feet.....	05 cents
For every box of dry goods or merchandise over three feet and not exceeding 10 cubic feet.....	10 "
For every barrel	10 "
For every tierce of rice, meat, etc.....	20 "
For every half barrel.....	05 "
For every hogshead of meat or sugar, etc.....	50 "
For every bale or bundle of empty sacks.....	10 "
For every bale of cotton, moss, etc.....	10 "
For lumber, when received at one landing and dis- charged at the other, for freight and labor, per thousand feet, board measure.....	2 00
For bricks, when received at one landing and dis- charged at the other, for freight and labor, per thousand.....	3 00
For every trunk.....	10 "
For bar and pig iron, per 100 lbs.....	05 "
For every goat, sheep or hog.....	05 "
For every grate for furnace or chimney.....	05 "
For every 5-gallon can or demijohn.....	05 "
For every crate of earthenware or such kind.....	50 "
For every nest of tubs, buckets or measures.....	05 "
For every wheelbarrow, loaded or unloaded.....	15 "

For small articles carried by passengers in their hands no charges shall be made.

For articles not enumerated corresponding rates may be charged, and for heavy spars, machinery, boilers, etc., of usual dimensions or weight, such prices as may be agreed upon.

For every passenger crossing at night in the skiff, between the

hour of 9 o'clock P. M. and the hour in the morning when it give place to the day boat, 25 cents.

And for all other transportations, double the rates above set forth.

Charity wagons, etc., and police free. The lessee shall carry to and fro, free of charge, the charity wagons of the city and the ambulances of the Charity Hospital, with their drivers and attendants, and the regular police officers of both corporations while in the discharge of their official duties.

All freight shall be delivered on the floating wharf by the shippers and shall be delivered on the other side, and to be immediately removed from the floating wharf by the shipper or consignee.

Pilots and engineers. The lessee shall be bound to employ as pilots and engineers none but such as are fully competent to their task or employ, and such only as have certificates from the proper officers appointed by the United States government to grant such certificates.

Default. It is well understood that in case of neglect or failure of the lessee to fulfil any part of the stipulations of his contract or lease, the City Council of New Orleans and the Police Jury of the parish of Jefferson, jointly, shall have the right to annul this lease without putting the lessee in default, as required by Article 1911, Revised Civil Code, and without indemnity. It is well understood, also, that in case the lessee shall at any time fail to keep and maintain the wharves, gangways, boats, buildings, etc., in good order and condition stipulated in the present specifications, the said lessee shall forfeit all notes he may have furnished to the city and Police Jury, and the said city and Police Jury, jointly, shall have the right to reserve the privilege of running ferryboats in said section for account and risk of said lessee and of his securities.

Surrender of franchise. The lessee, his successors and assigns, shall, on the last day of this lease, respectively, at the termination of any extended time which may be granted by the contracting lessors, peaceably leave, surrender and yield up the said ferry and the premises and the ferry property and boats respectively, with rights, privileges and appurtenances thereunto belonging, with the bulkheads, piers, docks, floats, bridges and other fixtures and improvements which may have been erected for the use of said ferries, in good order and condition, into the possession of the city of New Orleans and the police jury of the parish of Jefferson, their successors and assigns, without delay; and said lessors, for themselves, their successors and assigns, will covenant and agree to and with the lessee, his successors and assigns, that upon the surrender and yielding up of said premises and plants as hereinbefore provided, said lessee shall purchase or cause to be purchased by the next lessee or lessees, his or their successors and assigns, at a fair appraisement or valuation, the boats, buildings, improvements, wharves, docks, bridges and floats and other property of the re-

tiring lessee, his successors and assigns, used upon or for said ferry and actually necessary for the purposes of said ferry; said valuation to be fixed by two appraisers, one to be appointed by the lessee and one by the lessors, to be agreed upon between them or the next lessee or lessees, and in case of disagreement of said two appraisers, they, said appraisers, shall appoint an umpire, who shall decide between them; and the provisions and rights in this section set out, stipulated or granted shall be submitted and taken as repealing, annulling and avoiding all conditions, terms and stipulations in the said existing lease or contained in any ordinance or resolution of the City Council or police jury of Jefferson in the subject matter of the destination or disposition of the improvements, boats, buildings, wharves, bridges, floats and property of the retiring lessee, his successors and assigns, connected with said ferry.

The present contract of lease shall be made and accepted at the price adjudicated at public sale; provided, the highest bid thereat shall be acceptable and satisfactory to the city of New Orleans and the police jury of the parish of Jefferson, both of which leasing corporations reserve the right to reject any and all bids.

Highest bid.

The privilege of running the ferry shall be for the full term of twenty-five years as aforesaid, and in accordance with the terms, conditions and specifications herein set forth.

Term of franchise.

Payments shall be made as follows: One-third cash and the balance in twelve and twenty-four months from date of adjudication. The cash payments to be divided equally between the city of New Orleans and the parish of Jefferson, and the deferred payments to be made in two series of notes, one in favor of the city of New Orleans and the other in favor of the parish of Jefferson, these notes to bear interest at the rate of eight per cent. per annum from date until paid.

Payments.

The said contract or lease shall not be valid or binding upon either of the political corporations aforesaid unless the foregoing conditions are observed in making said lease, nor unless the legal representatives of both sides shall appear and become parties to said lease. The lessee shall be bound to furnish good and solvent security in the sum of five thousand dollars, to guarantee the faithful performance of the terms of his contract, the said security to be subject to the approval of both the City Council of New Orleans and the Police Jury of Jefferson.

Bond.

The purchaser of this franchise shall, within a period of three months after the expiration of the lease of Henry Clay avenue ferry privilege, which privilege expires in 1895, have the ferry in full operation, provided with a ferryboat that will be able to take teams as specified.

Provide suitable boat.

In the interim, or from the time the contract is adjudicated and until the expiration of the ferry lease above referred to, he

Steam launch. shall use a steam launch for the transportation of passengers, or, if he so desires, he may at once construct a large ferry for teams, but it is optional, until the lease specified above.

Deposit. All bidders will deposit one hundred dollars with the City Treasurer before being eligible as bidders for this franchise, which deposit will be returned to all unsuccessful bidders on the adjudication of the contract, and to the successful bidder on the signing of the contract.

Rights re- served. The city of New Orleans and the Police Jury of the parish of Jefferson, conjointly, reserve the right to reject any and all bids. The city of New Orleans obligates herself not to sell any ferry franchise one mile above or below the point designated.

L. W. BROWN, *City Engineer.*

City Engineer's Office, New Orleans, January 24, 1894.

Here intervened said Thomas Pickles, lessee, who declared that he accepts this lease and exclusive privilege on the terms and conditions herein set forth, and subject to the provisions of said aforscited specifications and promises for and binds himself and his heirs or assigns to a faithful compliance therewith in all and every particular, and he hereby specially agrees and binds himself to cause to be constructed the wharves and ferry houses as set forth in the specifications as hereinbefore referred to.

In consideration of the faithful compliance with all the foregoing, and the maintenance and operation of a steam ferry launch at said point by said Thomas Pickles or assigns, he, said lessee, shall be entitled to charge and receive the prices for ferry service set forth in the foregoing specifications.

This sale, lease and exclusive ferry privilege is made and accepted in pursuance of the public adjudication made by the Honorable Charles R. Kennedy, Comptroller of the city of New Orleans, on the 19th day of February, A. D. 1894, for and in consideration of the payment by said John Herbert, lessee, of the sum of thirteen hundred dollars for the whole term of this lease and privilege, payable in the manner following, to-wit:

Four hundred and thirty-three dollars and thirty-three and one-third cents (\$433.33 $\frac{1}{3}$) in cash, current money, one-half each to the city of New Orleans and the parish of Jefferson, having been paid by said Thomas Pickles at the execution of these presents, the receipt whereof is hereby acknowledged by said Mayor and President of said Police Jury, respectively, for the city of New Orleans and the parish of Jefferson, and full acquittance and discharge granted therefor.

And to represent the balance of said price, to-wit: the sum of eight hundred and sixty-six dollars and sixty-six and two-thirds cents (\$866.66 $\frac{2}{3}$), said Thomas Pickles has made and delivered four certain promissory notes, each for the sum of two hundred and sixteen dollars and sixty-six and two-thirds cents (\$216.66 $\frac{2}{3}$)

all bearing even date herewith, which are divided in two series, payable one series to the order of the city of New Orleans, and the other series to the order of the parish of Jefferson, said notes having been made two each payable at one year and two each payable at two years after date, all bearing interest at the rate of eight per cent. per annum from maturity until paid. All said notes having been endorsed to the satisfaction of the City Council of the city of New Orleans, by

Which said notes, after having been paraphed *Ne varietur* by me, notary, for identification with this act, have been delivered one series to said John Fitzpatrick, Mayor, and one series to said Louis H. Marero, President, who respectively acknowledge the receipt of same.

It is understood and agreed by and between the parties hereto that in pursuance of the provisions of the hereinbefore recited specifications at the expiration of this lease or franchise for twenty-five years, ending on the 19th day of February, 1919, as aforesaid, all the premises and plans as hereinbefore provided for, and as shall exist at the expiration of this lease or franchise or any extension thereof, the city of New Orleans and the parish of Jefferson shall purchase or caused to be purchased by the succeeding lessee or lessees, his or their successors or assigns, at a fair appraisement or valuation, the boats, buildings, improvements, wharves, docks, bridges and boats and other property of the retiring lessee, his successors and assigns, used upon or for said ferry, and actually necessary for the purposes of said ferry; said valuation to be fixed by two appraisers, one to be appointed by the lessee and one by the lessors, to be agreed upon between them or the next lessee or lessees, and in case of disagreement of said two appraisers, they, said appraisers, shall appoint an umpire, who shall decide between them; and the provisions and rights in this section set out, stipulated or granted, shall be submitted and taken as repealing, annulling and avoiding all conditions, terms and stipulations in the said existing lease or contained in any ordinance or resolution of the City Council or police jury of Jefferson in the subject matter of the destination or disposition of the improvements, boats, buildings, wharves, bridges, floats and property of the retiring lessee, his successors and assigns, connected with said ferry.

It is also understood that in all other respects not herein specially mentioned the execution of this contract shall be governed by said aforerecited specifications.

DELERY STREET FERRY.

ART. 690. That permission be and is hereby granted to Louis Power to establish a skiff ferry in the Third District, with landings at the head of Delery street on

Privilege to
Louis Power,
A. S. 7370,
Oct. 1881.

the left bank, and at Tunisburg on the right bank of the Mississippi river. This privilege revocable at the pleasure of the Council.

To establish.
keep or main-
tain ferries.
Oct. 1881.
A. S. 7357.

ART. 691. That from and after the passage of this ordinance it shall not be lawful for any person or persons to establish, keep or maintain a ferry across the Mississippi river in front of the city of New Orleans without first having obtained the permission of the City Council.

Penalty.

Ib.

ART. 692. That any one violating the provisions of this ordinance shall, for each offence, be fined not less than five nor more than twenty dollars, and in default of payment of said fine shall be imprisoned for not more than twenty days.

[See ordinances Nos. 3272, 3673, 4185, 4514, 4667, 4970, 6401, 7085, 7139, 7357, 7368, 7370, and Act 96 of 1870.]

SMOKING IN CABINS—See *Offences*.

ACTS OF THE LEGISLATURE.

That the Common Council of the city of New Orleans, with the police jury of that part of the parish of Orleans on the right bank of the Mississippi river, shall have power to establish ferries across said river, in the parish of Orleans, and to regulate the same. Act approved March 15, 1855, p. 363, Sec. 5.

See Act 1853, p. 328, and Act of 1855, p. 212.

DECISIONS OF THE SUPREME COURT.

It is no violation of an exclusive right to carry a person across the river without demanding payment. 4 N. S. 426.

The police jury of the parish of Jefferson have a concurrent right with the City Council to establish ferries opposite the city. 3 M. R. 711.

Police juries are authorized to establish ferries and to annex penalties to violations of the exclusive privileges they may grant to the lessees, and they possess the power to sell such ferry privileges at auction. But statutes granting such powers must be strictly construed, and the exercise of the powers conferred limited to the precise terms of the grant. An. Rep. 366; 3 La. Rep. 95.

FINK FUND—See ASYLUMS, ETC.

FINES.

ART. 693. That the City Council desires hereafter no petition for a remission or a reduction of fines imposed by the Recorders to be granted, unless said petition bears written approval of the Recorder who imposed the fine or fines.

Remission of
fines.
Ord. No. 6598,
C. S.
Aug. 2, 1892.

ART. 694. That from and after the promulgation of this ordinance it shall be unlawful for any one to divert from its original purpose and intent any fines or forfeitures which by the above act shall revert to the city of New Orleans, except for expenses strictly judicial.

Division of
fines.
Ord. No. 4000.
Sept. 3, 1889.

ART. 695. (2) That no deductions from said collections for any cause whatsoever shall be allowed or recognized by the city of New Orleans other than those herein above excepted.

Deductions
not allowed.

ART. 696. (3) That all acts or ordinances or parts of ordinances in conflict with the above are hereby repealed.

ART. 697. That the Comptroller be directed to transmit to the Council on the second Tuesday of each month the original monthly returns, or copies thereof, of the clerk and sheriff of the Criminal District Court of the costs and fines collected by them and paid into the city treasury; and that in case no returns are made by either of these officials that the Comptroller report the same to the Council; and that all such reports from the Comptroller be referred to the Finance Committee.

Monthly re-
turns to be
transmitted to
Council.
Ord. No. 5745,
C. S.
Nov. 10, 1891.

ACTS OF THE LEGISLATURE.

SEC. 19. That the city shall have power to impose and collect fines for the benefit of the city treasury against all persons transgressing their ordinances and regulations, and to imprison said transgressors in case of non-payment of said fines; provided, that said fines shall never exceed one hundred dollars for each and every contravention; provided, said imprisonment shall never exceed one month.—Acts of 1850, p. 164.

See Acts of 1816, p. 94, Sec. 2.

SEC. 108. That each and every violation of this act, or of any ordinance or resolutions of the Common Council of the city of

New Orleans, which shall subject the person so violating the same to a fine or penalty, shall be reported by any officer of said city, or by any resident of said city, to the Comptroller of said city; and said Comptroller shall make out a bill for said fine or penalty, and shall note the same in a book kept for that purpose; and shall deliver said bills to the Treasurer, and the same shall be charged to said Treasurer on the books of the Comptroller, as cash received by said Treasurer, to be accounted for by him. Said Treasurer shall deliver said bills to the Assistant City Attorney, and take said attorney's receipts therefor. And the Assistant City Attorney shall not bring suit for any fine or penalty incurred by any person or persons as aforesaid except upon a bill therefor, delivered to him by said Treasurer.—Acts of 1856, p. 160.

AN ACT

Respecting Imprisonment and Fines.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That* whenever any court or officer exercising judicial functions in any parish or municipal corporation in this State shall, by virtue of any law of the State, or ordinance of the police jury of a parish, or Common Council, or other like municipal legislature of any city or town in this State, adjudge against any person any term of imprisonment or any fine for any offence against the State, or for any violation of the ordinances of such parish, city or other municipal corporation, it shall not be competent for such court or judicial officer to remit any portion of such fine or imprisonment, nor to alter or amend the sentence, judgment or order, whereby such fine or imprisonment shall have been adjudged.

SEC. 2. *Be it further enacted, etc., That* whenever it shall or may be alleged that any fine or imprisonment so imposed is excessive, or that, for any reason, the same ought to be abated or remitted in whole or in part, it shall be done in the case it be a fine or imprisonment imposed under a law of the State in the manner which may be directed by law; and if it be a fine or imprisonment imposed by the ordinances of a Police Jury, the same may be so remedied or abated only when the judge of the parish shall recommend the same to the Police Jury, and the Police Jury shall consent to the same; and when the same shall have been imposed under an ordinance of any city or other municipal corporation, then said fine or imprisonment may be so abated or remitted only upon the recommendation of the Mayor or other Chief Magistrate thereof, and the consent of the least numerous branch of the municipal legislative body, and not otherwise.

SEC. 3. *Be it further enacted, etc., That* this act shall take

effect and be in force from and after its passage.— Acts of 1868, No. 129, p. 171.

ACT NO. 15 OF 1884.

To re-enact Section 1045 of the Revised Statutes of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana, That* Section 1045 of the Revised Statutes of the State be re-enacted so as to read as follows: Section 1045—"All bonds and recognizances and all fines and forfeitures incurred for crimes and offences against the laws of this State, which by the laws heretofore in force are required to be paid into the State Treasury shall, from and after the passage of this act, belong to and be paid into the treasury of the parish where such forfeited bonds and recognizances have been executed and in which such crimes or offences have been committed, or such fines and forfeitures have been incurred, and in the parish and city of New Orleans such forfeitures shall belong to and be paid into the treasury of said city. This section shall not be so construed as to affect in any manner the process for collecting forfeited bonds and recognizances and fines and forfeitures."

SEC. 2. *Be it further enacted, etc., That* all laws or parts of laws different from, inconsistent or in conflict herewith be and the same are hereby repealed.

DECISIONS OF SUPREME COURT.

The statute of 1st April, 1835, section 4, which provides that all bonds and recognizances taken by certain officers in the city of New Orleans, for the public peace or in criminal matters generally, when forfeited, shall be recovered by the City Attorney for the use of the city, is not changed by the statute of March 11, 1837, section 1, in regard to the destination of the amounts of such forfeited bonds or recognizances, when recovered; but the latter act authorizes a different and more summary proceeding, under the immediate direction of the officers of the State, and in the name of the State, for the collection of such bonds or recognizances as are for the appearance of the parties before the Criminal Court of the First District, though the amount of forfeiture enure to the benefit of the city.

The statute of 1837 is inapplicable when the bond or recognizance is for the appearance of the party before the Mayor, Recorder or associate judges of the city; in such a case an action can be maintained only by the corporation and in the ordinary form.— *State vs. Harris et al.*, 2 An. 516.

Section 4 of the statute of 1st April, 1835, which provides that "all bonds and recognizances taken by the Associate Judges, Mayor or Recorder within the city of New Orleans, for public peace, or in criminal matters generally, shall, when forfeited, be

recovered by the City Attorney for the use of the corporation of New Orleans," includes among the bonds which are to enure to the benefit of the city, bonds returnable before the District Court as well as those which are returnable before the Mayor, Associate Judges or Recorder. The statute of the 11th of March, 1837, ch. 104, indicates no intention on the part of the Legislature to change the destination of the proceeds of these bonds when collected.

No inference of an intention on the part of the Legislature to change the destination of the proceeds of these bonds when collected can be drawn from the act of 11th March, 1837 (p. 99), directing the Attorney General and District Attorney to collect certain bonds, the collection of which had previously been entrusted to the City Attorney. It is to be presumed that motives of public policy suggested the change and induced the Legislature to confide to its own officers the control of those which were for appearance before the Criminal and District Courts, and to provide a summary proceeding for enforcing their collection. *State vs. Harris*, 3 An 68.

FIRE—SEE COMBUSTIBLES AND EXPLOSIVES AND FIRE DEPARTMENT.

AS TO CONSTRUCTION OF BUILDINGS—See *Buildings*.

AS TO DEMOLITION OF BUILDINGS—See *Buildings and Fire Department*.

FIRE ALARM AND POLICE TELEGRAPH.

SEE FALSE ALARMS AND FIRE DEPARTMENT.

Superintendent of Fire Alarm and Police Telegraph. City Charter.

ART. 698. That the Commissioner of Police and Public Buildings shall appoint, with the approbation of the Council, one Superintendent of the Fire Alarm and Police Telegraph. The said Superintendent shall be a competent telegrapher; shall hold his office for the term of four years, and the salary of said Superintendent shall be eighteen hundred dollars a year. He shall give bond in favor of the Mayor of the city of New Orleans in the sum of three thousand dollars. The Commissioner of Police and Public Buildings, with the consent and advice of the Council, shall also appoint four telegraph operators, one lineman and one assistant lineman, and one battery man and messenger. The four-

telegraph operators shall receive each a salary of twelve hundred dollars per annum. They shall hold office for the term of four years. The lineman shall receive an annual salary of twelve hundred dollars. He shall hold office for the term of four years. The assistant lineman shall receive an annual salary of one thousand dollars, and shall hold office for four years. The battery man and messenger shall receive a salary of six hundred dollars, and shall hold office for four years.

ACT No. 4 OF 1875.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That any person or persons maliciously giving or causing to be given a false alarm, by the fire alarm telegraph, in the city of New Orleans, knowing the same to be such, or who intentionally defaces or injures any portion of said fire alarm telegraph, shall be punished on conviction by a fine of one hundred dollars and imprisonment in the parish jail for not less than one year nor more than two years.

False alarms.

SEC. 2. That should any person or persons, unauthorized, have in their possession, make or cause to be made, any key or keys of any of the fire alarm boxes, or use or cause to be used the same without the consent of the proper authority, he, she or they shall be subject to a fine of not less than fifty dollars and not more than one hundred dollars, and imprisonment in the parish jail for not less than three months and not more than six months.

Keys.

SEC. 3. That authority is hereby given to the Chief Engineer of the Fire Department, in his discretion, and with the approbation of the Mayor, to offer a reward of one hundred dollars, or less, for the apprehension and conviction of any person who shall knowingly give or cause to be given any false alarm of fire by means of telegraphic boxes connected with the fire alarm telegraph, and that the above reward be paid by the city of New Orleans.

Rewards.

SEC. 4. That the Superintendent of the Fire Alarm Telegraph shall have the entire control, management and supervision of the fire alarm telegraph, and of all apparatus, instruments, wires, batteries, boxes and signal stations whatsoever, belonging to any part of the system to be operated in the city of New Orleans, and he shall see that the same are at all times kept in proper order; and he shall from time to time make such rules and regulations as he may deem most beneficial and expedient for the successful operation thereof, and the use, manner of use, and the regu-

Control and Supervision.

lations of instruments and operators of the police telegraph, at police headquarters and station houses.

Alterations
and extensions.

SEC. 5. That the Superintendent of Fire Alarm Telegraph shall have power to make such alterations and extensions in the signal and alarm circuits as the necessities of the telegraph system may from time to time require, and to provide for its completion and efficient operation at all times; provided, however, that such alterations and extension shall be consistent with and adapted to the requirements of the fire or police departments; and provided further, that no obligations or expenditure shall be incurred by virtue hereof without the approval of the City Council is first had and obtained.

Custody and
control of keys.

SEC. 6. That the Superintendent of the Fire Alarm shall have the custody and control of all keys belonging to the various signal boxes. The said Superintendent shall keep a record account of all keys distributed by him, and shall take receipts for the same.

Duties of per-
son in posses-
sion of keys.
C. S. 3267.
Oct. 1875.

ART. 699. That all persons charged with the keeping of keys to the fire alarm boxes are required to keep the same in their possession, and are hereby prohibited from lending or parting with the same to be used except for the purpose of giving an alarm for an actual fire.

Use of Keys.
Ib.

ART. 700. (2) That all keepers or holders of keys to fire alarm boxes are hereby prohibited from opening said boxes, or inserting their keys therein, except when necessary in order to give an alarm for an actual fire.

Penalty.
Ib.

ART. 701. (3) That any person or persons guilty of a violation of any of the provisions of this ordinance shall be arrested, and upon conviction shall be fined in the sum of twenty-five dollars for each and every offence, or imprisoned for a term not less than ten nor more than thirty days.

Reward.
A. S. 6754.
Dec. 1886.

ART. 702. That the Mayor be and is hereby authorized to offer a reward of five hundred dollars for the arrest and conviction of any person or persons who may be caught and convicted of breaking the fire alarm telegraph boxes or of sending a false alarm through same.

A. S. 2806.
Oct. 1874.
False Alarms

ART. 703. That it shall be unlawful, from and after the passage of this ordinance, for any person or persons to turn in or give a false alarm to the general office

through any fire alarm box located or established in said city.

ART. 704. (2) That any person or persons violating this ordinance shall, for each offence, be liable to pay a fine of not less than twenty-five dollars, or imprisoned for not less than thirty days, recoverable before the Police Courts of this city, or any court or courts of said city as may have jurisdiction in the premises. Penalty.

ART. 705. (3) That it shall be the duty of the police of this city to arrest any offender and to strictly enforce the provisions of this ordinance. Enforcement of ordinance.

ART. 706. (1) That from and after the passage of this ordinance it shall be unlawful for any person or persons, unauthorized, to have in his or their possession, make or cause to be made, any key or keys of any of the fire alarm or police patrol boxes, or use or cause to be used the same without the consent of the proper authority; he, she or they shall be subject to a fine of (\$25) twenty-five dollars, or imprisonment for thirty days, or both, at discretion of the Recorder. Keys in one's possession unauthorized.
Ord. No. 2573
C. S.
Nov. 8, 1887.

NATIONAL FIRE ALARM COMPANY.

ART. 707. That the National Automatic and Fire Alarm Company, of New Orleans, a body corporate under the laws of the State of Louisiana, be and it is hereby authorized to erect all such wires in and about the public streets and other public places of the city of New Orleans as may be necessary to thoroughly equip its system of automatic fire alarms, and to establish the requisite wire connections with the city fire department, the City Hall and the various engine houses, whereby alarms from buildings equipped and connected with its system may be received and responded to by such department; provided, that all connections with said engine houses, with any public building, and with the city fire alarm department be made subject to the approval and on the terms and conditions to be imposed by the Commissioner of Police and Public Buildings, and that all connections with and alarms communicated to the fire department shall be made in the manner provided by Permission.
Ord. No. 2778
C. S.
Feb. 16, 1888.

and with the approval of the Board of Fire Commissioners.

ART. 708. (2) That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed, and that this ordinance take effect from and after its passage.

To transmit
alarms to cen-
tral office.

Ord. No. 4131

C. S.

Nov. 29, 1889.

ART. 709. That the National Automatic Fire Alarm Company of New Orleans be, and it is hereby authorized to transmit any alarms communicated to its central office by its fire alarm system to the fire department of the city of New Orleans, through the city fire alarm department, subject to such terms and conditions as may be imposed by the Council and Commissioner of Police and Public Buildings, and that all connections with and alarms communicated to the fire department shall be made in the manner provided by and with the approval of the Board of Fire Commissioners.

ART. 710. (2) That all ordinances or parts of ordinances in conflict with or inconsistent with this ordinance be and the same are hereby repealed.

LOUISIANA AUXILIARY FIRE ALARM COMPANY, LIMITED.

Franchise.

Ord. No. 9651

C. S.

Sept. 4, 1894.

ART. 711. That the said Louisiana Auxiliary Fire Alarm Company, Limited, be and is hereby authorized and empowered to erect, construct, and maintain with fixtures, suitable wires for conductors, in all places in the city of New Orleans, for the purpose of connecting their auxiliary boxes with the fire alarm boxes of the city, and to operate the same to the full extent, subject, however, at all times, to the direction of the Commissioner of Police and Public Buildings, and to all existing laws, ordinances, rules and regulations applicable to the Fire Department and its regulations with the fire alarm electrical system. All additional fire alarm boxes so equipped to be placed at the expense of the company.

Shall hold
city harmless.
Ib.

ART. 712. That said grantees, their assigns or successors, shall comply with the requirements and provisions of this ordinance, and shall hold harmless the city of New Orleans from all loss, cost or damage by reason of the privileges herein conferred.

ART. 713. That for and in consideration of the granted Consideration.
1b. privileges and franchises aforesaid the said Louisiana Auxiliary Fire Alarm Company, Limited, their successors and assigns, hereby agree to and bind themselves to provide supervision, repairs and replacement that may be required of all fire alarm boxes auxiliarized, and that all such supervision, repairs and replacement shall be subject to the decisions of the Commissioner of Police and Public Buildings. And it is further agreed that any failure in compliance with these decisions by the said Louisiana Auxiliary Fire Alarm Company, Limited, will operate to cancel and forfeit all rights herein conveyed.

ART. 714. All laws or parts of laws in conflict with the provisions of this ordinance be hereby repealed. Repealing
clause. 1b.

ART. 715. That this ordinance shall take effect and be in full force on and after its passage and promulgation. Take effect.
1b.

FIRE DEPARTMENT—See FALSE ALARMS, FIRE ALARM AND POLICE TELEGRAPH.

ACT NO. 83 OF 1894.

To provide for a Fire Department for the city of New Orleans, to create a Board of Fire Commissioners for the government of said department and to regulate and define the duty of the Common Council of New Orleans in relation thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That all the powers and duties connected with and incident to the government and discipline of the fire department of the city of New Orleans shall be, as hereinafter more especially provided, vested in and exercised by a board, composed of nine commissioners, the Commissioner of Police and Public Buildings, and the Mayor of the city, who shall be *ex-officio* president of said board, a majority of whom shall constitute a quorum for the transaction of business. The Mayor shall have the right to vote only in case of a tie, in which case he shall have the casting vote; but if the Mayor shall disapprove any resolution he shall, within twenty-four hours return the same to the commissioners with his objections in writing; and if a majority of said commissioners shall adhere to said resolution notwithstanding said objections, the said resolution shall have full force. Board of Fire
Commissioners
constituted.

City to be divided into districts.

SEC. 2. The city shall be divided into five fire districts, and one commissioner shall be elected from each municipal district, and two at large, and the Commissioner of Police and Public Buildings shall be a member of said board during his term of office.

Vacancies in the present board; how filled.

SEC. 3. That the several members of the present Board of Fire Commissioners, as constituted under City Ordinance No. 5614, C. S., be and they are hereby reappointed under this act to serve out their unexpired term of office, and in case of death, resignation or removal from office of any of said Commissioners the City Council shall proceed, at a regular meeting, to fill said vacancy for the unexpired term of such Commissioners; and upon the expiration of the term of any of said commissioners the City Council shall proceed to elect a successor for the term of seven years, as above provided for.

Removals; how made.

SEC. 4. The said commissioners shall, before exercising any of their duties, duly take and file with the Mayor their oath of office. Any member of said Board of Commissioners may at any time be removed by a vote of two-thirds of the members of the Common Council of the city of New Orleans for sufficient cause, and the proceedings in their behalf shall be entered on the journal; provided, that the said Common Council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunities be given him to make his defence personally and by counsel.

Organization of Commissioners.

SEC. 5. Said commissioners on being qualified, shall meet and organize by electing one of said commissioners as president, who shall act only in case of absence or disability of the Mayor, whereupon they shall possess and have the power and authority conferred upon or possessed by any and all persons in the city of New Orleans for the prevention and extinguishment of fires to the exclusion of all such persons, together with such other powers and duties in said city as are hereafter conferred.

Duties of Commissioners

SEC. 6. The said Fire Commission is hereby empowered and directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance and direction of the Fire Department of the city of New Orleans, and the premises and property thereof, which at the time of the organization of the said Commission were possessed by or under control of the Common Council of said city, and the officers or employees of said city; said powers and duties to be performed and exercised and said property used in said city or otherwise, as hereafter provided. And the said Commission shall hereafter have sole and exclusive power and authority to extinguish fires in said city of New Orleans.

SEC. 7. It shall be the duty of the Board of Commissioners to provide supplies, tools, implements, horses and apparatus, of

any and all kinds to be used in the extinguishment of fires; and the maintenance of the Fire Department in a thorough and efficient state; to buy, sell and repair and have the care of the same and take any and all action in the premises. All real estate, fire apparatus, hose, implements and tools now used by the Fire Department in the city of New Orleans, belonging or that may hereafter belong to the said city, shall be in the keeping and custody of said Commissioners, and it shall be the duty of the city of New Orleans to provide suitable quarters for such of the companies as are now occupying rented premises, and such other companies as may be established hereafter. The said Board of Commissioners shall have power to rearrange the location of the companies, and it shall be competent for said Commissioners, at any time in their judgment, to send any steam fire engine, hook and ladder truck, chemical engine, hose and other apparatus, to the relief of any community in the vicinity of the State of Louisiana.

Commissioners to provide tools, etc.

Powers of the Board to rearrange companies.

SEC. 8. No member of said Commission shall hold any political office, elective or appointive, except the Commissioner of Police and Public Buildings, or be the clerk or employee of any elective or appointive officer. Any one of said Commissioners shall be considered as vacating his office in the event of his accepting or holding any political office, and any Commissioner who shall, during the term of his office be publicly nominated for any office elective by the people, and shall not decline the said nomination within ten days succeeding notice of the same, shall in either case be deemed as vacating his office.

Holders of political office ineligible.

SEC. 9. It shall be the duty of the Board of Fire Commissioners to examine into the cause, circumstance and origin of all fires occurring in the city of New Orleans by which any building, erection, vessel, or valuable property shall be accidentally or unlawfully burned, destroyed or damaged, and to especially inquire and examine whether such fire was the result of carelessness or the act of an incendiary. The president of said board shall take the testimony, under oath, of all persons supposed to be cognizant of the facts connected with such fire; such (said) testimony shall be reduced to writing; and shall be forwarded to the District Attorney, together with a report of said board embodying their opinions and conclusions regarding the same. The said Commission is hereby authorized and empowered to issue subpoenas and compel the attendance, administer oath to witnesses and compel the production of books and papers when required for the purpose of such investigation.

Board to examine into causes of fire.

SEC. 10. That the Chief Engineer, Assistant Engineers, Captains, Engineers of Engines, Stokers, Drivers, and all members, the Secretary-Treasurer, Department Physician, Veterinary Surgeon and all other employees of the present Fire Department, be retained in their respective positions. The said board may ap-

Relative to the retention of present employees.

point as many officers and other employees as may be necessary. The tenure of office of all officers and employees of the Fire Department shall be perpetual unless removed for cause as provided for in this act.

Rules and regulations.

SEC. 11. Said board shall have power to adopt such rules and regulations for the government of the force created by this act as they shall deem fit and proper, not inconsistent with the laws of the State, and the violation of such rules and regulations shall be sufficient and good cause for dismissal from the force; provided, however, that in all cases charges shall be preferred in writing, and a copy of such charges served upon the accused three days previous to the time assigned for trial, and opportunities given him to make his defence personally and by counsel.

Estimates to be prepared.

SEC. 12. It shall be the duty of the Commissioners to prepare and submit to the City Council, on or before the first day in December of each year, an estimate of the whole cost and expenses of providing for, running and maintaining the Fire Department of the city; provided, further, that one-twelfth of the amount so budgeted by the City Council be paid monthly by the City Treasurer to the said Board of Fire Commissioners, the said amount to be distributed by the treasurer of said board under their direction upon vouchers properly certified by the president or acting president of said board and Chairman of the Finance Committee. The secretary shall keep a voucher book in which he shall keep a correct record of all amounts paid out, the fund to which it is chargeable, and the person to whom payable.

Manner of keeping accounts.

Bond and duties of members of the Department.

SEC. 13. All members of this department shall be required to be constantly on duty and subject to all rules and regulations established by the Commissioners. The Chief and Assistant Engineers, Secretary and Treasurer and all other employees shall furnish good and solvent bond to the satisfaction of the Mayor, and made payable to the city of New Orleans, in the sum set opposite their names, viz.: Chief Engineer, \$5000; Assistant Engineer, \$2500; Secretary and Treasurer, \$2000; Employees, \$500.

Injured members.

SEC. 14. Any member of the Fire Department receiving injury or becoming disabled while in the discharge of his duty so as to prevent him from attending to his duties as such member, shall for the space of twelve months, provided his disability shall last that time, receive his usual salary. The fact of such disability and its duration shall be certified by the Department Physician or such other evidence as the Commissioners may require.

Right of way to fire.

SEC. 15. The officers and men of the Fire Department, with their apparatus of all kinds, when on duty, shall have the right of way to any fire and in any highway, street or avenue, over any and all vehicles of any kind except those carrying United States mail; and any person in or upon or owning any vehicle, who shall refuse the right of way, or in any way obstruct any fire ap-

paratus or any of said officers while in the performance of duty, shall be deemed guilty of a misdemeanor and be liable to punishment for the same by the Recorder of the district in which the offence is committed, by a fine of not more than twenty-five dollars, or imprisonment not exceeding thirty days.

SEC. 16. The Commissioners are empowered to provide for the laying on the railway tracks of the city over the hose used by the department for the extinguishment of fires, of such hose bridges as they may deem necessary. The officers and members are prohibited from selling their salaries by anticipation or in advance, or giving powers of attorney for the collection thereof, before being earned. Any person who shall falsely represent any of the members of the Fire Department, or who shall maliciously intend to deceive, use or imitate any of the signs, fire caps, badges, signals, adopted or used by the said department, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than twenty-five dollars, and to imprisonment for the term of not more than thirty days, recoverable before the Recorder in whose district the offence is committed.

SEC. 17. The Chief or Acting Chief of the Fire Department shall have sole and absolute control and command at all fires over all persons connected with the Fire Department, and shall take all proper measures for the extinguishment of fires, preservation of order and observance of laws, ordinances and regulations respecting the same. He shall also take proper measures that the several engines and other apparatus be arranged in the most advantageous situations for the effective extinguishment of fires, and he shall have authority, in case of emergency, to cause to be pulled down or demolished any house, building, fence or dangerous wall, if deemed necessary by him; and in the absence of the Chief Engineer, the Assistant or District Engineer in command will assume the functions of the Chief.

SEC. 18. The Chief of the Fire Department shall prefer written charges for any violation of the rules, regulations, or orders of his department against any member thereof, upon his own knowledge or upon written information communicated to him by any member of the department or any citizen.

SEC. 19. During the pendency of charges against any member of the department, the Chief of the Fire Department may suspend from duty any such member until such charges shall be examined or disposed of.

SEC. 20. It shall be the duty of all members of the Fire Department to prevent all persons not belonging to the department from entering any engine house or handling any apparatus belonging to the department without permission.

SEC. 21. The Chief of the Fire Department and assistants shall have the same police powers at all fires as the Superintendent of

Members prohibited from selling their salaries.

Powers and authority of the Chief of the Fire Department.

Manner of preferring charges against members.

Suspension of members.

Permission must be given to persons to handle apparatus.

Departments to have certain police powers. Police, and may command such assistance from the inhabitants of the city for the suppression or extinguishment of fires as may be required. They shall have power to place ropes to intercept access to the fire, also to order any company, fireman or other person from the neighborhood of a fire. Any person refusing to

Penalty for refusal to comply with orders of the department. comply with such orders shall be deemed guilty of a misdemeanor, and on conviction thereof before the Recorder of the district in which the offence is committed shall be subject to a fine of not more than twenty-five dollars, and in default of payment to imprisonment in the parish prison for a period not exceeding thirty days.

Responsibility for management to rest with the Chief. SEC. 22. The Chief of the Fire Department being responsible for the entire management of his department, shall have power to suspend from service any officer or employee of the same, and suspension to continue until the Board of Fire Commissioners shall dispose of the charges made, which in all cases must be presented at the first subsequent meeting of the board.

Order of rank. SEC. 23. In the absence of the Chief, the Assistant shall assume command, and in the absence of the assistant the next ranking officer, and whenever a vacancy shall occur from death, resignation or otherwise, in the offices of the Chief Engineer, the Assistant Chief or District Engineer, it shall be filled by election by the Board of Fire Commissioners.

Qualifications of members. SEC. 24. No person under twenty-one years or over sixty-five years of age shall be appointed in the Fire Department, nor shall any person be appointed or remain in said service who is not a citizen of the United States or not of good moral character, or who shall have been convicted of crime; no person shall be eligible to the position of Chief Engineer, Assistant or District Engineer or Captain, or foreman of any company who can not read and write understandingly the English language, or who shall not have resided within the State one year, and shall only be appointed after he has fully passed a satisfactory physical examination before the Department Physician.

Leaves of absence. SEC. 25. No member of the Fire Department shall, under penalty of forfeiting the salary or pay due him, withdraw or resign, except by permission of the Board of Fire Commissioners. Unexplained absence without leave of any member of the uniformed force for two consecutive days shall be deemed and held to be a resignation by such member and accepted as such.

Warrants to be issued to members. SEC. 26. Every member of the force shall have issued to him by the board a proper warrant of appointment, signed by the president and secretary, which warrant shall contain the date of his appointment and his rank.

Oath of office SEC. 27. Every member of the force shall take an oath of office and subscribe the same before an officer empowered to administer an oath, and furnish bond as provided for.

SEC. 28. The government and discipline of the department shall be such as the Commissioners may prescribe, from time to time, by rules, regulations and orders. The commissioners shall have power in their discretion, on conviction of an officer or member of the force, of any legal offence, disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiting or withholding pay for a specified time; or dismissal from the force. Officers and members shall be removed only after written charges have been preferred against them; and after the charges have been publicly examined into, upon such reasonable notice to the person charged, and in such manner of examination as the Commissioners may prescribe.

Discipline of
the Department.

SEC. 29. Said Commissioners shall receive no compensation for their services, but they as well as all other employees of the Fire Department shall be exempt from militia and jury duty while so employed. The Commission hereby created may adopt a common seal and direct its use, and in the name of its president may institute and maintain suits and proceedings at law and in equity, and may pay cost, expenses or judgments therein, for the enforcements of its rights and contracts, and for the protection, possession and maintenance of property under its control; and all fines and penalties mentioned in or imposed by the city ordinances for the more effective prevention of fires and the better protection of life and property in the city of New Orleans; and all fines and penalties received by the Treasurer of the city of New Orleans for the violation of the city ordinances relative to the prevention of fires and the better protection of life and property shall be paid over to the said Board of Commissioners, to be receipted for by the Secretary-Treasurer of the board, and all such sums shall accrue to the benefits of the Mutual Benevolent and Relief Fund of the department.

Commission-
ers exempt
from Jury and
Militia duty.

Fines and
penalties.

SEC. 30. The City Council shall provide such offices and business accommodations for the transaction of their business and that of their subordinates in said city of New Orleans as shall be necessary.

SEC. 31. That this act take effect thirty days after the promulgation by the Governor. That all acts or parts of acts contravening the provisions of this act are hereby repealed.

ART. 716. That the Chief Engineer of the Fire Department of the First, Second, Third and Fourth Districts be and he is hereby authorized and empowered to order the shutting off of any circuit belonging to the Louisiana Electric Light and Power Company, crossing or in close

Shutting off
electric circuits
Ord. No. 3429,
C. S.
Dec. 18, 1888.

proximity to any conflagration, when in his judgment said wires will endanger life or property, and to promptly notify said Electric Light Company when said circuit may again be operated, it being understood that no deductions will be made on the monthly bill of said Louisiana Electric Light and Power Company by the city of New Orleans for the non-lighting of lights on such circuits during the time they are ordered shut off by the Chief Engineer.

Telephone connection. ART. 717. That the Mayor be and he is hereby authorized and directed to enter into a notarial contract with C. S. the Great Southern Telephone and Telegraph Company, June 5, 1894. Amending and re-enacting Ord. No. 9314, C. S. for the erection and maintenance of a system of telephonic communications with the various engine houses constituting the Fire Department of the city of New Orleans and the fire alarm office in the City Hall, as well as a general communication with the trunk lines to the Central Telephone Exchange, and with the general subscription of the city of New Orleans, limited to forty (40) stations. The said contract to be for and in consideration of the sum of three thousand dollars per annum, and to date from January 1, 1895, and to continue in force for a period of five (5) years from said date. It is agreed and understood that any equipments in excess of the forty stations above specified shall be charged for in the same proportion; and it is further agreed and understood that the Great Southern Telephone and Telegraph Company shall immediately and without delay proceed to erect and place said engine houses in telephonic communication as above described, and that no charge therefor shall be made to the city of New Orleans for the said service for the balance of the year 1894.

Unlimited speed. ART. 718. That it shall be lawful for fire engines, hose carriages, hook and ladder trucks and wagons containing the Babcock fire extinguishers to drive through the streets, when going to a fire, at such a rate of speed as may be deemed necessary; provided, that all such vehicles shall be furnished with alarm signals, bells or gongs, of sufficient size to give notice of their approach. Nov., 1874. A. S. 3311.

ART. 719. That the penalties prescribed for fast driving by existing ordinances shall not apply to said vehicles when going to fires as aforesaid. Exemption from penalties. Ib.

ART. 720. That the right of way through the streets, roads and upon the levees, within the city limits, is hereby granted to all fire engines, hose carriages, hook and ladder trucks and wagons containing the Babcock fire extinguishers, when going to fires, and all vehicles of other descriptions are hereby required to move out of the way of such engines, trucks and wagons, when made aware of their approach, and in case of neglect or refusal so to do every driver of such vehicles shall, upon arrest and conviction before the police court of the district, pay a fine of \$5, or in default thereof be imprisoned ten days. Right of way. Ib.

ART. 721. That for the purpose of facilitating the ready access to water by the engines of the Fire Department, in cases of fire, from and after the passage of this ordinance, the lessees of the Canal Carondelet and New Canal be and are hereby required to so regulate the landing of freight within the harbors of their respective canals as to maintain an open space at intervals of one square or less from the head or basin of said canals to their intersection with Claiborne street, and said opening shall be of same width with and opposite each and every street intersecting said canals. Access to water. June, 1878, A. S. 4575. Sept. 1879. A. S. 6127.

ACT 127—APPROVED APRIL 10, 1880.

SEC. 25. *Be it further enacted, etc.,* That the Superintendent shall cause the intersection of all the streets to said basin and canal to be kept free from the obstructions of discharged cargoes, in order that free access may be had by the Fire Department of the city; provided, that steamers, schooners or other water crafts may be permitted to occupy the landing at such intersections, and receive outward-bound freights. Free access to basin.

ART. 722. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of Penalty. Ord. No. 5094. C. S. Feb. 9, 1891.

the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Duty of police
during fires.
Feb., 1853.
O. S. 446.

ART. 723. At all fires it shall be the duty of the police to keep the space immediately in front of the same free from intrusion by persons not rendering aid at the fire, that the firemen may be enabled the better to discharge their duty, and, in case of danger, effect their escape.

Engine not
to run on side-
walks.

ART. 724. No fire engine, hose or hook and ladder company, or any tender attached thereto, shall be permitted to run on the sidewalks of this city, or through any of the markets or public squares.

Ib.

Penalty.
Ord. No. 5093
C. S.
Feb. 3, 1891.

ART. 725. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Demolition
of buildings.
Dec., 1856.
O. S. 3172.

ART. 726. When, in order to stay the progress of a fire, it shall be deemed proper to demolish one or more houses or buildings, the Mayor, or, in his absence, the Chief or acting Chief of the Fire Department, shall take the advice of three proprietors of houses, and if he and they be unanimously of opinion that the house or houses should be demolished, then the said Mayor, or Chief, or acting Chief, as aforesaid, shall be authorized to give orders for the destruction of said house or buildings, and the opinion of said officers and advisers shall be reduced to writing and signed by them, and shall be recorded in the Mayor's office. In case the pulling down and demolition of any house or building by the direction of the Mayor, or other officer aforesaid, shall be the means of stopping the said fire, or if the fire shall stop before it comes to the house demolished, then the owner of such house or building shall be entitled to

recover a reasonable compensation therefor from the city; but when the building so pulled down or demolished shall be that in which the fire originated, then the owner shall be entitled to no compensation therefor.

ART. 727. In order to carry out the provisions of Act No. 109 of the Legislature, session of 1884, as amended by Act No. 39 of the Legislature of 1892, entitled "An act to amend and re-enact section 1 of Act 109 of the General Assembly of 1884, approved July 10, 1884, entitled an act for the protection of life and property at fires" (Act of 1892, pp. 44 and 45).

Iron shutters
Ord. No. 7399
C. S.
April 4, 1893.

That the proprietor or proprietors of all buildings in the city of New Orleans having iron shutters on their windows shall cause to be attached to at least one shutter on each window on each story thereof some device or apparatus as required by the aforesaid acts of the Legislature, and that the same shall be so applied in order that said shutters can be opened from the outside in case of fire, to secure immediate access to the building on fire.

ART. 728. That in case of failure to comply with the requirements of this ordinance the owner or owners of said or such building or buildings, or his or their agent or representative, shall be subject, upon conviction thereof, to a fine not exceeding twenty-five dollars, and in default of paying said fine to imprisonment in the parish prison not exceeding thirty days.

Penalty. Ib.

ART. 729. That all previous ordinances or parts of ordinances on the same subject matter be and the same are hereby repealed.

Repealing
clause. Ib.

ART. 730. That the devices of Messrs. L. Pujol, P. O. Guerin, Donohoe & Finn and John Jouet, for opening iron shutters, are hereby selected in accordance with the provisions of Act 109 of 1884, as amended by Act 3 of 1892, entitled an act to amend and re-enact section 1 of Act 109 of the General Assembly of 1884.

Devices for
opening iron
shutters ac-
cepted.
Ord. No. 7797
C. S.
July 5, 1893.

Ord. No. 5614, C. S., creating paid Fire Department.

Ord. No. 5659, C. S., amending Ord. No. 5614, C. S.

Ord. No. 5841, C. S., amending Ord. No. 5614, C. S.

Ord. No. 7096, requesting location of a chemical engine in square bounded by Galvez, Broad, Common and Bienville streets.

Ord. No. 7786, C. S., authorizing purchase of property in square bounded by Broad, Gasquet, Palmyra streets and Jane alley, in accordance with Ord. 7096, C. S.

Ord. No. 7898, setting aside funds for erection of building, in accordance with above.

Fire Wells: Ord. Nos. 2315, 2674, 7747, 7888, 7930, 8045, 8287, 10,642, 10,538.

FIRE ESCAPES.

Standpipes.
Ord. No. 6513
C. S.
July 5, 1892.

ART. 731. (1) That all business buildings now erected or to be erected, being more than fifty feet high, covering an area of 4500 superficial feet, shall have a two and a half inch or larger metallic stand pipe within or near the front wall, extending above the roof, with suitable valves at each story, and arranged so that engine hose can be attached from the street. All hose couplings shall conform to the size and pattern adopted by the Fire Department.

Metallic ladders
with stand-
pipes.

Ib.

ART. 732. (2) All buildings, except such as are used for private residences exclusively in this city, of four or more stories in height, shall be provided with one or more metallic ladders or metallic fire escapes, with stand-pipe attached, including from the first story to the upper stories of such buildings, and above the roof and on the outer walls thereof, in such location and numbers and of such material and construction as the Mayor, Chief Engineer of the Fire Department, the City Engineer and chairman of the fire committee of the Council and Commissioner of Public Buildings, or a majority of them, may from time to time determine. After such determination shall have been made as aforesaid the Chief Engineer of the Fire Department, at any time, by notice in

Notice to
owner or agent.

writing served upon the owner or agent at his residence or place of business, requiring such owner or agent of any such building, by leaving with such owner or agent, or at his residence or place of business, a copy of such notice requiring such owner or agent to cause such building, within thirty days after the service of such notice, to cause metallic ladders or fire escapes to be placed upon such building within thirty days after the

service of such notice; provided, however, that all buildings more than two stories in height, used for manufacturing purposes, shall have one metallic ladder for every twenty-five persons or less employed above the second story.

ART. 733. (3) In case such owner or agent so served with notice as aforesaid shall not, within thirty days after the service of such notice upon him, place or cause to be placed, such metallic ladder with standpipe or fire escape upon such building as required by this ordinance and the terms of such notice, he shall be subject to a fine of not less than twenty-five nor more than two hundred and fifty dollars, and to a further fine of twenty-five dollars for each week he or others fail to comply with said notice. That the fines imposed for violation of this ordinance shall be collected by any court of competent jurisdiction.

Failure to
comply with
notice.
Ib.

Penalty.

ART. 734. (4) That it is hereby made the duty of the parties herein designated to execute the provisions of this ordinance.

Duty of Mayor,
Chief Engineer, etc.
Ib.

ART. 735. (5) That all ordinances or parts of ordinances inconsistent, contrary or in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause.
Ib.

ACT OF LEGISLATURE.

ACT 97.

For the better protection and security to life, and providing for fire escapes on all buildings four stories high and over, private residences excepted.

FIRE LIMITS.

ART. 736. That it shall not be lawful to erect, and all persons are forbidden to erect, or to cause to be erected, within the following described limits, any building whatever except the walls thereof be constructed of brick or other non-combustible materials, covered with slates or other non-combustible materials, viz.: The banks of the Mississippi river in front, thence up Jackson street to Tchoupitoulas street, including both sides,

Unlawful to
erect buildings
except with
walls of brick
or other non-
combustible
material in cer-
tain limits.
Ord. No. 3273,
C. S.
Oct. 16, 1888.

Fire limits. Ib. thence down Tehoupitoulas street to St. Andrew street, thence up St. Andrew street to Religious street, thence down Religious street to Felicity Road, thence out Felicity Road to Annunciation street, down Annunciation street to Calliope street, out Calliope street to Carondelet street, thence down Carondelet street, including both sides, to north side Howard avenue, out north side Howard avenue to Rampart street, thence down Rampart street, including both sides, to Poydras street, out Poydras street to Franklin street, thence down Franklin to Canal street, out Canal, upper side, to Rampart street, thence down Rampart street to Toulouse street, out Toulouse street, including both sides, to Bourbon street, thence down Bourbon street, including both sides, to Dumaine street, out Dumaine street to Chartres street, thence down Chartres street to Lafayette avenue, thence out Lafayette avenue to Mississippi river.

Fourth District. Ib. ART. 737. (2) That the buildings hereafter to be erected in the Fourth District and fronting on Magazine street, between Felicity Road and Jackson street, also on Camp street from Felicity to St. Andrew street, also on St. Mary street from Magazine street to Camp street, and on St. Andrew street, from Camp to Magazine street, shall be constructed of brick or other non-combustible material to the extent of one hundred and fifty feet from the front of said streets.

Fifth District. Ib. ART. 738. That on and after the passage of this ordinance it shall be unlawful to erect a building within the boundaries of the river, Atlantic avenue and Opelousas avenue, Fifth District of New Orleans, unless said building be covered with a roof of either slate, corrugated iron, or some other material that is fire-proof.

ART. 739. That the City Engineer is hereby specially directed in issuing permits for building within the above boundaries to strictly enforce the provisions of this ordinance.

Plank roofs; consent of Council. Ord. No. 3273, C. S. ART. 740. (3) That hereafter no buildings shall be constructed with shingle or plank roofs without the consent of the Council within the following limits, viz.:

From Lowerline to Felicity Road and from the river to Dryades street.

ART. 741. (4) That it shall not be lawful to erect, and all persons are forbidden to erect or cause to be erected, any building whatever except the roofs thereof shall be covered with slate or other non-combustible materials, within the following limits, viz.: In the rear of the fire limits as per section 1 of this ordinance and commencing corner Religious street and Felicity Road, thence out Felicity Road to Magnolia street, thence down Magnolia street to Calliope street, out Calliope street to Clara street, thence down Clara street to Poydras street, out Poydras street to Claiborne street, thence down Claiborne street to Esplanade street, out Esplanade street to St. Claude street; thence down St. Claude street to Independence street, thence out Independence street to the river.

Unlawful to erect buildings unless roof is covered with slate or other non-combustible material in certain section.
Ib.

ART. 742. (5) That it shall not be lawful and all persons are forbidden to remove or cause to be removed to another place on the same lot, or on another lot if within the limits described in sections 1, 2 and 4 of this ordinance, any building already erected without making such building fire-proof, in accordance with the provisions of said sections respectively.

Removal of buildings.
Ib.

Sec. 6 of Ord. No. 3273 repealed by Ord. No. 4336, C. S., March 18, 1890.

ART. 743. (7) That the owner of every house covered with wood shall provide it with a good ladder of the height of the house, to be used in case of fire, and moreover, he shall provide a ladder fixed permanently on the roof timber, under penalty of five (\$5) dollars for each and every month the owner or agent thereof shall neglect to comply with the requirements of this section, after notice from the Mayor, said penalty recoverable before the Recorder in whose district the offence is committed.

Ladders.
Ib.

Penalty.

ART. 744. (8) That any person or persons violating any of the provisions of this ordinance shall be liable to a fine of not less than five (\$5) dollars nor more than twenty-five (\$25) dollars, or imprisonment for not less

Penalty.
Ib.

than five or more than thirty days at the discretion of the Recorder in whose district the offence is committed.

Penalty. ART. 745. (9) That also a further fine of from \$5
Ib. to \$25, or imprisonment from five to thirty days, shall be imposed for each and every month he, she or they shall refuse or neglect to comply with a written notice from the Mayor, specifying the delay which may be adjudged reasonable by said officer, to demolish or alter any such building in contravention, recoverable as aforesaid.

Duty of police. ART. 746. (10) That it shall be the duty of the police
Ib. to report all violators of the provisions of this ordinance to the Mayor, who shall cause the proper affidavit to be made before a magistrate for the recovery of the fines imposed.

Repealing clause. ART. 747. (11) That all ordinances or parts of ordi-
Ib. nances in conflict herewith be and the same are hereby repealed.

Frame build- ART. 748. That any and all ordinances or parts thereof
ings in Third prohibiting the construction of frame buildings in that
District, part of the city of New Orleans lying upon and beyond
Ord. No. 5322, Esplanade street, in the Third District, be repealed.
C. S.
May 26, 1891.

Unlawful to ART. 749. (1) It shall not be lawful to erect, and all
erect certain persons are forbidden to erect or cause to be erected,
buildings in fire within the fire limits of this city, any building, except
limits, the same be constructed entirely of brick, stone or other
Ord. No. 6533, non-combustible materials, and roofed with slate, com-
C. S. position or other non-combustible material; provided,
July 5, 1892. that wood covered with metal shall not be considered
non-combustible, except for roofs.

Buildings four ART. 750. All buildings of four or more stories in
or more height, within the fire limits, shall have flat roof cov-
stories. ered with composition, metal or other fire-proof metal.
Ib.

No building shall be erected within the fire limits with wooden studding, faced and packed with brick.

Alterations, ART. 751. (2) No alteration, extension or addition
extensions or shall be made, nor shall any person cause the same to be
additions. made, to the exterior of any building within the
Ib. fire limits unless such alteration or addition be of
brick, stone or other non-combustible material, except

in piers extending into the river, or on the levee where the same may be sheds or frame buildings, plans of which shall be approved by the City Council.

PERMITS.

- Ord. 8124. Augusti, A., 62 Dryades street, shed, brick front, sides and roof corrugated iron, October 5, 1893.
- Ord. 2907. Bryan & Miles, Julia, Notre Dame, Water and Delta streets, April 6, 1888.
- Ord. 3161. Baudet, Widow Julia, St. Philip, Dauphine, Burgundy and Dumaine, August 30, 1888.
- Ord. 6195. Barnwell, James, 226 Magazine, two-story frame, brick wall on upper side one-story high, second story to be frame, sides and top covered with asbestos and tin, first story, lower side, with glass openings, March 31, 1892.
- Ord. 6850. Behan, Elizabeth Antoinette, 219 and 221 St. Charles, October 20, 1892.
- Ord. 9335. Barry, Mrs. G. W., Religious street, between Race and Robin streets, double-frame slated cottage, June 28, 1894.
- Ord. 10,067. Brinkman, Henry, Tchoupitoulas, between Jackson and Josephine, two double cottages, brick front, December 11, 1894.
- Ord. 10,699. Bruning, Theo., on lots 12 and 13, to construct buildings on plans approved by City Engineer.
- Ord. 10,790. Baldwin, Thomas, Tchoupitoulas and Theresa, to demolish old structure and erect frame slated cottage, May 3, 1895.
- Ord. 11,005. Burns, Jas., Tchoupitoulas, between Celeste and Felicity, frame slated shed, July 10, 1895.
- Ord. 11,073. Brinker, Frank, St. Charles, near Calliope, frame slated cottage, August 1, 1895.
- Ord. 11,280. Brinker, Frank, 1022 St. Charles avenue, frame building, with iron roof, September 10, 1895.
- Ord. 11,284. Becochi, Antonio L., Esplanade avenue, square bounded by Decatur, Chartres and Barracks streets, double cottage (\$2000) frame building, September 10, 1895.
- Ord. 11,385. Bosso, Jos., Conti street, between Rampart and Burgundy streets, frame shed, with corrugated iron roof, September 26, 1895.
- Ord. 9131. Chaplain, Louis, Rampart and Gravier, one additional story, May 11, 1894.
- Ord. 3084. Dufour, Francis, 280 Bourbon street, July 20, 1888.
- Ord. 6612. Doffins, Misses, Thalia, between Tchoupitoulas and Peters, frame slated cottage, August 9, 1892.
- Ord. 8756. Dunn, Edward, Tchoupitoulas and Thalia, two double cottages, March 2, 1894.
- Ord. 9269. Day, Mrs. John T., Orange, Race, Tchoupitoulas and S. Peters, frame slated cottage, June 1, 1894.
- Ord. 9423. Durrour, Dominique, Widow, intersection of Baronne, Howard avenue and St. Joseph, frame slated building, July 13, 1894.

- Ord. 10,342. Dejean, H. J., Perdido, between Baronne and Dryades, frame building covered with corrugated iron, February 19, 1895.
- Ord. 10,709. Delbarty, Widow A., Dauphine, between Conti and Bienville streets, frame slated building.
- Ord. 11,172. Flettrich, John L., S. Rampart, in square bounded by Lafayette, Girod and Basin, single story, slate roof, August 27, 1895.
- Ord. 3037. Garland, Edw. F., 83 and 85 Elysian Fields, July 7, 1888.
- Ord. 7286. Gould, H. C., Tchoupitoulas, Thalia. Peters and Hunter streets, slated, March 9, 1893.
- Ord. 8754. Gleanon, Mrs. M. E., Orange, between Religious and St. Thomas streets, frame cottage, March 2, 1894.
- Ord. 8755. Gilligan, Widow John, Gaiennie and New Levee, brick front one-story double slated cottage, March 2, 1894.
- Ord. 9340. Grunewald, Louis, Dauphine, Bourbon, Conti and Bienville streets, two-story warehouse, June 28, 1894.
- Ord. 9444. Guinle, H. B., Dryades, between Perdido and Poydras streets, to rebuild a two-story frame slate roof building, July 13, 1894.
- Ord. 9976. Grote, John, St. Joseph, Julia, Water and Delta streets, frame building stable, covered with patent fire-proof roofing and sides with corrugated iron, November 17, 1894.
- Ord. 10,183. Goreau, Louis F., 1008 Camp street, frame building 12x18 feet, covered with corrugated iron, January 16, 1895.
- Ord. 10,708. Glass, Vandergriff, Camp, between Julia and St. Joseph streets, to repair roof with corrugated iron, to repair shed. May 14, 1895.
- Ord. 6302. Home Brewing Company, N. Peters, Jeanne, Chartres and Pauline streets, frame building, April 23, 1892.
- Ord. 9044. Haag, Henry, 96 Girod street, one-story warehouse, brick front, Fletcher roof, wood and iron sides, April 30, 1894.
- Ord. 9270. Harvey, Miss Mary, Tchoupitoulas, Orange, Race and Religious streets, frame slated cottage, June 1, 1894.
- Ord. 10,210. Hyde, Mrs. A. V., Poeyfarre, Delord, Camp and Magazine streets, frame building, January 22, 1895.
- Ord. 11,711. Huener, Wid. Michael Louise, St. James street, square bounded by S. Peters, Tchoupitoulas and White streets, double frame, slated cottage, December 24, 1895.
- Ord. 11,135. Hackney, D. A., 815 Carondelet street, two-story frame building, slated roof, Aug. 6, 1895.
- Ord. 5099. Illinois Central Railroad Company, Front, between St. Joseph and New Market streets, frame building, with corrugated iron roof, February 6, 1891.
- Ord. 10,595. Jensen, Mrs. L., Howard avenue, between Carondelet and St. Charles streets, double two-story frame, slated building, April 18, 1895.

- Ord. 7818. Klemme, Wid. George E., 122 St. Louis street, repair, alteration and re-erect certain buildings, July 28, 1893.
- Ord. 9398. Klefforth, J. H., Market, Chippewa, St. James and St. Thomas streets, double slate-roof cottage, July 9, 1894.
- Ord. 10,433. Kanel, Mrs. J., Thalia, between Tchoupitoulas and S. Peters streets, frame building, brick walls, March 13, 1895.
- Ord. 4151. Louisiana Steam Sash, Blind and Door Factory, Roberts & Co., Gravier, Howard and Tulane avenue, two-story brick and fire-proof building for engine room, December 5, 1889.
- Ord. 6474. Lannan, Thomas, St. Thomas, between Erato and Gaiennie streets, double frame cottage, July 1, 1892.
- Ord. 6634. Lannan, Thomas, St. Thomas, between Erato and Gaiennie streets, double frame, slated cottage, September 1, 1892.
- Ord. 6670. Louisville & Nashville Railroad Company, Water, Delta, Julia and St. Joseph streets, single story building, corrugated iron roof, 100x30 feet, September 9, 1892.
- Ord. 6747. Lacoste, E., 64 Royal street, covered shed with corrugated iron, September 28, 1892.
- Ord. 10,248. Landry, 613 Bourbon street, frame building, with Fletcher roof in rear of brick building, February 2, 1895.
- Ord. 11,458. Louisiana Electric Light and Tower Company, in square bounded by Market, S. Peters, Richard and Water streets, frame structure, October 15, 1895.
- Ord. 11,487. Lambert Bros., 916 and 918 Camp street, slated mansard roof on brick building, October 22, 1895.
- Ord. 7160. Maus, Jacob, 36 Nunn street, double frame, slated, February 2, 1893.
- Ord. 8887. McConnon, Mrs. M., Thalia, between S. Peters and Tchoupitoulas, frame slated building, March 26, 1894.
- Ord. 10,303. McEntee, Jno. M. and J. J., 218 Dryades street, frame slated building, February 7, 1895.
- Ord. 11,319. McLoughlin, L. J., Dauphine street, square bounded by Customhouse, Bienville and Burgundy streets, frame shed with fire-proof roof, September 19, 1895.
- Ord. 5261. N. O. Lawn Tennis Club, Amelia, near Dryades, shingle roof, April 29, 1891.
- Ord. 9318. N. O. Sanitarium and Training School for Nurses, 279 Carondelet street, to remodel premises in frame, covered with wire lath and cement, stucco on the outside, March 7, 1894.
- Ord. 9994. N. O. and Southern R. R. Co., to construct on two squares bounded by Urquhart, Hancock, St. Claude and Tricou streets such sheds as may be necessary for the repairing of its motive power and rolling stock, November 24, 1894.
- Ord. 2743. Perez, Wm., Perdido, between Dryades and Rampart, February 1, 1888.

- Ord. 4151. Roberts & Co., La. Steam Sash, Door and Blind Factory, Gravier, Howard and Tulane avenue, two-story brick fire-proof building, as engine and boiler room, December 5, 1889.
- Ord. 4565. Ryan, P. H., Gaiennie and Tchoupitoulas, double frame cottage with shingle roof, June 7, 1890.
- Ord. 8190. Ryan, P. H., Gaiennie, Erato and Tchoupitoulas and New Levee, small shed, October 24, 1893.
- Ord. 10,681. Rand, Mrs. M., Orange, between Religious and Tchoupitoulas, two double-frame slated cottages, May 9, 1895.
- Ord. 11,409. Roonan, P., square bounded by Delord, Constance, Magazine and Poeyfarre streets, reconstruct frame shed and repair his premises, October 1, 1895.
- Ord. 3206. Seibel Bros., 32 and 34 Barracks, September 28, 1888.
- Ord. 5258. Sweeney James, Robin, Race, Peter and Tchoupitoulas streets, open shed with corrugated iron roof, April 26, 1891.
- Ord. 5271. Stranghan J., Henry Clay, Jersey, Calhoun and Tchoupitoulas streets, small frame cottage, slate roof, April 30, 1891.
- Ord. 9023. Sullivan C. D., St. James near St. Peter, small frame cottage, slate roof, April 20, 1894.
- Ord. 9507. Scott, Chas. A., Tulane avenue and Basin street, two additional rooms to frame building, August 9, 1894.
- Ord. 10,001. Standard Coal Company, to erect an office 8x10 feet, at their coal yard, on Julia street, at back of L. & N. R. R., November 24, 1894.
- Ord. 11,074. St. Patrick's Church, to erect mansard roof, August 1, 1895.
- Ord. 11,363. Sullivan T., 206 Julia (old), addition to frame building, September 24, 1895.
- Ord. 11,169. Segretto G., 401 Basin street, frame building, August 27, 1895.
- Ord. 2820. Theodore A., Levee, between Julia and Girod, March 3, 1888.
- Ord. 7021. Thompson J. & Bro., Rampart, between Common and Gravier, to alter, repair and make additions to building, December 21, 1892.
- Ord. 9224. Villavasso, Wm. M., 70 and 72 St. Joseph, to erect shed with iron covering, May 25, 1894.
- Ord. 3144. Wagner John, 254 Bourbon street, August 10, 1888.
- Ord. 5270. Wellman Henry, Magazine, State, Camp and Elenora streets, 9x46 shingled cottage, April 30, 1896.
- Ord. 6534. Wheelage Harry B., Tchoupitoulas, between Theresa and Bellechasse, single frame, slated cottage, July 5, 1894.
- Ord. 7312. Weingart Geo. W., Old Basin, Dupre, Gayoso and Toulouse, manufactory and office works, March 16, 1893.
- Ord. 7660. Wilson Prescilla, Walnut, Elizabeth, Market and Foucher, shingle roof, June 5, 1893.
- Ord. 8911. Young Men's Gymnastic Club, Rampart, Burgundy, Blenville and Customhouse, brick building, one side frame and glass, March 31, 1894.

FIRE SALES.

ART. 752. That on and after the passage of this ordinance the Treasurer shall not issue to any one not regularly doing business in this city as a merchant a license for the purpose of doing business and designating same as a "Fire Sale," unless said party or parties applying for said license can furnish proof satisfactory to the Mayor and City Treasurer that said goods have actually been saved from a fire.

Duty of Mayor
and Treasurer.
Ord. No. 10,551,
C. S.
April 2, 1895,

ART. 753. That any one attempting to do such business as designated above without having first obtained a license shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 or imprisonment for not less than thirty days, in default of payment of said fine, said fine to be recoverable before the Recorder having jurisdiction.

Penalty. Ib.

ART. 754. That Ordinance No. 3273, C. S., be and is hereby amended as follows, viz.:

In line 15, after the words "Felicity Road to" insert "Religious street, thence down Religious to Race street, to St. Thomas street, thence down St. Thomas street."

Amending Ord.
No. 3273, C.
S.
Ord. No. 5355,
C. S.
June 2, 1891.

ART. 755. That Ordinance No. 3273, C. S., be and is hereby amended as follows, viz.:

In line 23, after the words "Poydras street to," strike out "Franklin street, thence down Franklin street," and insert "Basin street, thence down Basin street."

Amending Ord.
No. 3273, C.
S.
Ord. No. 6362,
May 24, 1891.

ART. 756. That Ordinance No. 8423, an ordinance preventing the erection of frame buildings within the fire limits under any circumstances, be and the same is hereby repealed.

Repealing
Ord. No. 8423,
C. S.
Ord. No. 8720,
Feb. 14, 1894.

FISCAL AGENT—See CITY CHARTER.

FISH.

See ANIMALS, OFFENCES.

ART. 757. That it shall be unlawful for any person or persons to catch, kill or pursue any green trout or black bass, or to have the same in their possession after being

Unlawful to
kill certain fish
during spawn-
ing season.

Ord. No. 5868 caught or killed, in this parish, during their spawning
C. S. Dec. 15, 1891. season, say from the first day of March to the fifteenth
Amended by
Ord. No. 7130, day of May of each year, inclusive.

C. S. Jan. 24, 1893. ART. 758. That whoever shall violate the provisions
of this ordinance shall be subject to a fine not to exceed
Penalty. twenty-five dollars or imprisonment in the parish prison
for a term not to exceed thirty days, or both, or imprison-
ment in the parish prison for a term not to exceed
thirty days in default of payment of the fine, to be im-
posed by the Recorder of the district wherein the offence
is committed; provided, that the fine shall not exceed
twenty-five dollars for each offence nor the imprison-
ment more than thirty days.

Unlawful to
haul seine, net,
etc. ART. 759. That it shall be unlawful for any person or
C. S. Ord. No. 6896, persons to haul any seine, net, etc., in any lagoon or
Nov. 2, 1892. bayou within the limits of the parish of Orleans. That
any person or persons violating the provisions of this
ordinance shall, upon conviction, pay a fine of not more
than twenty-five dollars nor more than thirty days' im-
prisonment by the Recorder in whose jurisdiction said
offence is committed. One-half of the fine imposed to
go to the informer. That this ordinance shall take effect
from and after its passage.

Repealing
clause. ART. 760. That all ordinances or parts of ordinances
1b. conflicting with the provisions of this ordinance be and
the same are hereby repealed.

FISK FUND—See ALMSHOUSES, ETC.

FLOUR INSPECTORS.

ACT 23 OF 1892.

Repealing
Act No. 71 of
1870, relative to
the compulsory
inspection of
flour. SECTION 1. *Be it enacted by the General Assembly of the State
of Louisiana*, That the Act No. 71 of 1870, extra session, approved
March 16, 1870, and entitled, "An act to amend and re-enact an
act entitled 'An act to establish a Board of Flour Inspectors for
the city and port of New Orleans, approved March 28, 1867, and
numbered 159,'" be and the same is hereby repealed, and that
henceforth there shall be no compulsory inspection of any flour
in Louisiana.

SEC. 2. That all laws and parts of laws in conflict herewith are
hereby repealed.

FORGES, FOUNDRIES AND BLACKSMITH SHOPS.

SEE STEAM ENGINES.

ART. 761. (1) That it shall not be lawful to erect or establish within the city limits any forge, foundry or steam engine without special permission of the City Council.

Permission.
Ord. No. 5884
C. S.
Dec. 29, 1891.

ART. 762. (2) All buildings for forges and foundries must be constructed of brick or other incombustible materials within the fire limits.

Construction.
Ib.

ART. 763. (3) All petitions for permission to erect any blacksmith shop, forge or steam engine shall be accompanied with the written consent of a majority of the property owners by the foot frontage within a radius of 300 feet of the place where permission is asked to erect such blacksmith shop, forge or steam engine.

Consent of
property own-
ers.
Ib

ART. 764. (4) Whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than for thirty days; provided further, that each day any blacksmith shop, forge, foundry or steam engine shall be operated in contravention of this ordinance it shall be deemed a separate offence.

Penalty.
Ib.

ART. 765. (5) That ordinances Nos. 3176, O. S., 5581, O. S., and 5612, C. S., be and the same are hereby repealed.

Repealing
Ords. Nos. 3176
C. S.; 5581 O. S.
and 5612 C. S.
Ib

PRIVILEGES.

Ord. 2953. Ax, Livermore, Fulton, between Poydras and Lafayette streets, May 21, 1888.

Ord. 4496. Audifred, T. T., removed from 336 to 340 Royal street, May 10, 1890.

Ord. 10,023. Aikman, J. W., 41 Newton, December 3, 1894.

Ord. 3251. Baldwin, Albert & Co., Ltd., 115 and 117 Magazine street, October 13, 1888.

- Ord. 3886. Baldwin, Albert & Co., Ltd., Erato and Tchoupitoulas streets, August 3, 1889.
- Ord. 5259. Benson, Charles, blacksmith's forge, Baronne and Girod streets, April 24, 1891.
- Ord. 6992. Blessing, Jos. T., blacksmith's forge, 567 St. Denis street, December 7, 1892.
- Ord. 7042. Bruen, A., blacksmith's forge, Tchoupitoulas street, between Thalia and Erato, December 29, 1892.
- Ord. 7086. Bruen, A., frame building with corrugated iron roof, Tchoupitoulas, between Thalia and Erato streets, January 11, 1893.
- Ord. 7332. Bador, Geo., blacksmith, Dauphine, between Flood and Eganias streets, March 23, 1895.
- Ord. 8602. Briede, Otto F., blacksmith's forge, 84 Girod street, January 18, 1874.
- Ord. 11,280. Brinker, Frank, blacksmith's forge, 1022 St Charles avenue, September 10, 1895.
- Ord. 2584. Chittenden, N. S., 95 South Rampart street, November 18, 1887.
- Ord. 3788. Crone, Geo., Valence, between Magazine and Camp streets, May 3, 1889.
- Ord. 3811. Casey, R. W., 33 Commerce street, June 6, 1889.
- Ord. 3963. Curry, John, Magazine and Poeyfarre, September 6, 1889.
- Ord. 6588. Coppin, Dummet & Co., Cypress and Freret, August 5, 1892.
- Ord. 8076. Cazenavette, Gaston, and Raphael Reyes, 106 Tchoupitoulas, September 27, 1893.
- Ord. 10,426. Coutin & Chaussier, blacksmiths, 615 Toulouse street, March 13, 1895.
- Ord. 11,075. Cage, T. A., blacksmith's forge, Constance and Terpsichore streets, August 1, 1895.
- Ord. 5771. Deilmann, Frank, blacksmith, Washington, between St. David and Liberty, November 20, 1891.
- Ord. 7111. Duvic, Frank, blacksmith's forge, Villere and Seguin, Fifth District, January 19, 1893.
- Ord. 7945. Driscoll, D., blacksmith's forge, 459 St. Charles avenue, August 18, 1893.
- Ord. 8994. Delperich, Jos. L., blacksmith's forge, Washington and Freret streets, April 19, 1894.
- Ord. 9169. Dufour, Frank, blacksmith's forge, 229 Chartres street, May 16, 1894.
- Ord. 10,342. Dejan, Henry J., blacksmith's forge, Perdido, between Baronne and Dryades, February 19, 1895.
- Ord. 4472. Estrado, J. L., Louisiana avenue, between Tchoupitoulas and Chippewa streets, May 7, 1890.
- Ord. 6948. Estrado, Dr. A., horseshoeing, 21 Chippewa street, November 23, 1892.
- Ord. 7448. Estrado, Dr. Antonio, blacksmith, 68 South Peters street, April 21, 1893.
- Ord. 7617. Eber, Edward, blacksmith, St. Philip between Dorgenois and Broad streets, May 25, 1893.
- Ord. 9161. Etelman, F., blacksmith and forge, Tchoupitoulas, between Valence and Bordeau streets, May 16, 1894.
- Ord. 10,358. Eberling, Frank, blacksmith and forge, Washington and Magnolia streets, February 20, 1895.
- Ord. 3274. Ferran, Bertrand, Flood and Dauphine streets, October 22, 1888.

- Ord. 5643. Fish, Chas. M., blacksmith and wheelright, Pitt, between Henry Clay avenue and Calhoun streets, October 6, 1891.
- Ord. 5925. Fallon & Surger, blacksmiths, 244 Customhouse street, January 9, 1892.
- Ord. 6920. Fush, Chas. M., 140 Religious street, November 11, 1892.
- Ord. 7193. Fehl, Chas. F., blacksmith and forge, Hillary, between Pearl and Commercial streets, February 9, 1893.
- Ord. 7895. Ferguson, Peter A., horseshoeing, 67 Perdido street, August 3, 1893.
- Ord. 10,628. Faushler & Sauer, remove to 36 Montegut street, April 25, 1895.
- Ord. 2725. Gambrino, S., 92 South Rampart street, February 1, 1888.
- Ord. 7936. Galvin, Bat., blacksmith and forge, 235 Gravier street, August 18, 1893.
- Ord. 8052. Guarino, J. U., blacksmith and forge, Rampart, between St. Peter and Toulouse streets, September 7, 1893.
- Ord. 8752. Gehrke, Alfred, blacksmith, Dublin and Calapissa streets, Seventh District, March 2, 1894.
- Ord. 9115. Grandpre, A. H., blacksmith and forge, 17 Conti street, May 9, 1894.
- Ord. 6542. Hammond, Wm., blacksmith and forge, Orange, between Annunciation and Chippewa streets, July 28, 1892.
- Ord. 8271. Higgins, H. J., blacksmith and forge, Tchoupitoulas, between Toledano street and Louisiana avenue, November 11, 1893.
- Ord. 9717. Huff & Wagner, blacksmiths and forge, Claiborne between Spain and Mandeville streets, September 21, 1894.
- Ord. 11,072. Heirch, Aug., blacksmith and forge, Magnolia street and Washington avenue, August 1, 1895.
- Ord. 8204. Johnson, Jos., blacksmith and forge, 14 Commerce street, October 24, 1893.
- Ord. 2576. Kane, Q. D., Front, between Gaiennie and Erato streets, November 11, 1887.
- Ord. 5881. Kinney, James, Liberty, between Common and Gasquet streets, December 10, 1891.
- Ord. 6618. Killelea, John J., blacksmith, Tchoupitoulas, between Josephine and Adele streets, September 1, 1892.
- Ord. 6793. Kursch, A., blacksmith and forge, 92 South Rampart street, October 6, 1892.
- Ord. 6897. Kosh, Donner & Co., blacksmith, Clara, between Julia and Cypress streets, October 20, 1892.
- Ord. 8839. Kneale, William, blacksmith and forge, Washington avenue and Derbigny streets, March 19, 1894.
- Ord. 9784. Kohl, J., blacksmith and forge, Third and Rampart streets, October 5, 1894.
- Ord. 2953. Livermore & Ax, Fulton, between Dryades and Lafayette streets, May 21, 1888.
- Ord. 2958. Lewis, Jos., St. Joseph and Peters streets, May 28, 1888.
- Ord. 3922. Lewis, Jos., 199 Tchoupitoulas street, August 9, 1889.
- Ord. 3925. Long, J. R., Julia, between Franklin and Liberty streets, August 15, 1889.

- Ord. 3931. Lewis, H., 50 Delta street, August 30, 1889.
- Ord. 4817. Lewis, Jos., South Peters and Delord streets, October 31, 1890.
- Ord. 8482. Lammoraine, Jean, 33 Toulouse street, December 21, 1893.
- Ord. 9228. Loescher, Jos., small forge, 67 Ursulines street, May 25, 1894.
- Ord. 9440. Levan, J. V., blacksmith and forge, Calliope and Pearl streets, July 13, 1894.
- Ord. 9685. Leary, John, blacksmith and horseshoer, Fulton, between Girod and Notre Dame streets, September 17, 1894.
- Ord. 10,567. Letsch, Adam, blacksmith and forge, 14 and 16 Washington street, April 4, 1895.
- Ord. 11,136. Liberto, De S., blacksmith and forge, 613 North Basin street, August 9, 1895.
- Ord. 4025. Newman, Wm., Tchoupitoulas and St. Joseph streets, October 4, 1889.
- Ord. 4841. Netzhamer, Frank, Fourth and Dublin streets, November 10, 1890.
- Ord. 5243. Noe, James, blacksmith, 81 Girod street, April 22, 1891.
- Ord. 8205. Neligh & Dowens, blacksmith, 13 Montegut street, October 24, 1893.
- Ord. 9845. Noel, Chas., blacksmith, Washington, Claiborne, Willow and Sixth streets, October 18, 1894.
- Ord. 10,623. Nelson Cornice Works, blacksmith, 738-740 Camp street, April 25, 1895.
- Ord. 11,171. Naberenne, N., blacksmith and forge, 618 North Basin street, August 27, 1895.
- Ord. 6584. O'Neil, Francis, horseshoer, to remove from 58 to 60 Elysian Fields street, August 5, 1892.
- Ord. 10,870. Overing, Wm., blacksmith, 429-431 Dryades street, June 12, 1895.
- Ord. 11,579. Poberie, Jean Marie, blacksmith, Lapeyrouse and Derbigny streets, November 12, 1895.
- Ord. 2908. Robinson, James, 488 Chestnut street, April 6, 1888.
- Ord. 4152. Rabe, Wm., Common and Liberty streets, December 1, 1889.
- Ord. 5011. Ray, Alex., 42 Liberty street, January 9, 1891.
- Ord. 6301. Ray & Boutte, blacksmiths, 413 Claiborne street, April 23, 1892.
- Ord. 6816. Rolling, H. portable forge, 250 Carondelet street, October 12, 1892.
- Ord. 6946. Rosetta Gravel Paving and Improvement Company, blacksmiths and wheelwrights, St. Patrick and Delachaise streets, November 23, 1892.
- Ord. 8491. Rolla, John, blacksmith and forge, Valence, between Camp and Magazine streets, December 22, 1893.
- Ord. 8880. Ray, Alex., blacksmith and forge, Tulane avenue, between Lopez and Gravier streets, March 22, 1894.
- Ord. 11,634. Rolle & Wentz, blacksmiths and forge, Broad, between Ursulines and St. Philip streets, November 26, 1895.
- Ord. 5511. Schultz, Louis, forge, 241 South Rampart street, August 6, 1891.
- Ord. 8105. St. Charles & Smith, blacksmiths and forge, 125 N. Peters street, December 5, 1893.

- Ord. 8488. Southern Exhaust and Blowpipe Company, blacksmiths and forge, 149 S. Peters street, December 21, 1893.
- Ord. 9441. St. Charles, Felix, blacksmith and forge, removed to 70 N. Peters street, July 13, 1894.
- Ord. 5689. Tiblier, Felix, blacksmith, 146-148 Toulouse street, April 9, 1891.
- Ord. 6541. Timpe, Chas., blacksmith and forge, Dryades, between Jackson and Philip streets, July 27, 1892.
- Ord. 6682. Theresa, Chas., horseshoer, Ursulines and Claiborne streets, September 9, 1892.
- Ord. 6784. Tejan, Alex., blacksmith, forge and wheelwright, Fourth and Jackson streets, October 6, 1892.
- Ord. 10,227. Thiel, Wm., blacksmith and forge, Miro street and Tulane avenue, January 24, 1895.
- Ord. 6540. Voght, Chas., blacksmith and forge, 33, 35, 37 Thalia street, July 28, 1892.
- Ord. 4207. Will & Livermore, Franklin, between Girod and Notre Dame streets, January 9, 1890.
- Ord. 6206. Wayburn, Frank, blacksmith, Common and Liberty streets, April 7, 1892.
- Ord. 6888. Willie, Bros., portable forge, 217 Erato street, November 3, 1892.
- Ord. 10,226. Wilson, A. M., blacksmith and forge, Broad, between Washington street and Bayou road, January 24, 1895.
- Ord. 11,039. Weston, H. Lumber Company, forge, Carrollton avenue and N. Basin street.

FUNERALS.

ART. 766. That all owners or drivers of any carriage, cab or other conveyance, unless unavoidably delayed by accident or street blockade, shall, after taking their place or places in a funeral procession, be compelled to remain in line after having been once assigned to position, until they shall have reached a point within not exceeding two hundred yards of church or cemetery.

Drivers to remain in line.
Ord. No. 10,868
C. S.
June 11, 1895.

ART. 767. That any owner or driver of a carriage, cab or other conveyance, who shall violate any of the provisions of this ordinance shall be liable to arrest and upon conviction be fined for each carriage, cab or other conveyance, a sum not less than ten dollars or a term of imprisonment in the parish jail not exceeding fifteen days.

Penalty. Ib.

GAS COMPANIES.

SEE LIGHTS.

Compromise
adopted.
Ord. No. 6004
C. S.
Feb. 2, 1892.

ART. 768. That the compromise with the Jefferson Gas Light Company, recommended by the Committees on Finance and Fire and Lighting of the City Council of the city of New Orleans, in joint session on the —, be and the same is hereby approved and adopted; and accordingly that — said company shall be paid annually until the expiration of its charter, on the 9th day of March, 1899, thirty thousand dollars (\$30,000) for supplying and lighting (in conformity to the terms and conditions embodied in the Act 96 of 1869 of the Louisiana Legislature) the 858 street gas lamps now erected in the Sixth and Seventh Districts of the city of New Orleans said amount to be paid said company in equal instalments at the end of each and every month; provided, said company shall enter into contract with the city of New Orleans before a city notary, wherein and whereby said company shall bind and obligate itself as follows, viz :

Compensation.

Lamps moved.
Ib.

1. To move each year not more than thirty of said street lamps from one location to another on the existing or future mains of said company as the City Council may direct.

To discon-
tinue all suits.
Ib.

2. To discontinue any and all suits now pending wherein any claims for lighting any of said 858 lamps is asserted or urged, and to relinquish any and all claims for unpaid balances for lighting any of said lamps up to date.

Waiver of
payments un-
der existing
laws.

3. To agree in no event to resort to the means authorized by existing laws to enforce payment of any amounts that may become due by said city to said company, except to the extent of thirty thousand dollars (\$30,000) per annum from January 1, 1891, for supplying and lighting the 858 lamps now erected, and for supplying and lighting any new lights that may be erected under this ordinance at the rate of \$35 per lamp per annum.

Extra lights.

That this ordinance take effect from and after its passage.

ACT NO. 97 OF 1870.

To incorporate the Crescent City Gas Light Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That Joseph H. Oglesby, William Creevy, Francis J. Herron, F. W. Perkins, S. D. McPherson, George F. Sherman, W. B. Cornell, W. Hawksworth and their present and future associates, successors and assigns, be and they are hereby constituted and declared to be, from and after the passage of this act, a body corporate and public, in fact and in name, by the style and title of the Crescent City Gas Light Company, and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure, and also that they and their successors by the same name and style shall be in law capable of holding, purchasing and conveying any estate, real or personal, for the use of said corporation; provided, that the lands, tenements and hereditaments which it shall be lawful for said corporation to hold shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transaction of its business and the properly carrying on and conducting of its works, or such as shall have been mortgaged to it in satisfaction of debts contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

* * * * *

SEC. 8. *Be it further enacted, etc.,* That the Crescent City Gas Light Company, their successors and assigns, shall have and be entitled to the sole and exclusive privilege of making and vending gas lights in the city of New Orleans, to such persons or bodies corporate who may voluntarily choose to contract for the same, for the term of fifty years from and after the date of the expiration of the charter of the New Orleans Gas Light Company.

SEC. 9. *Be it further enacted, etc.,* That to carry the foregoing section into effect, they shall be authorized, at any time after the passage of this act, to lay pipes or conduits at the expense of the company, in any of the streets or alleys of said city of New Orleans, where the same may be required, in such manner as may produce the least inconvenience to the city or its inhabitants; and provided also, that the company shall afterward repair with the least possible delay the streets they have broken.

SEC. 10. *Be it further enacted, etc.,* That if any person or persons shall, by any means whatever, destroy any part of the gas pipes constructed or owned by the said company, or any of their

works, buildings, fixtures or machines, such person or persons shall each of them be liable for all the damages occasioned thereby.

SEC. 11. *Be it further enacted, etc.,* That the Crescent City Gas Light Company is authorized and empowered to manufacture gas from any and all material suitable for such purpose, and shall have power to purchase and use any patent or patents, or the right to the same for the manufacture of such gas lights.

SEC. 12. *Be it further enacted, etc.,* That the works of said company must be complete and in condition to supply the proper amount of gas required for the city of New Orleans within ten years from and after the date of the passage of this charter; and in case of failure, the charter to be null and void.

SEC. 13. *Be it further enacted, etc.,* That all acts and parts of acts heretofore passed conflicting in any manner with the provisions of this act of incorporation are hereby repealed.

ACT 106 OF 1873.

To amend and re-enact an act entitled an act to incorporate the Crescent City Gas Light Company, approved April 10, 1870, and to fix with more precision the time when said company shall go into operation, and to authorize said company to issue mortgage bonds, to change the time for election of directors and to limit the price to be charged for gas.

DECISIONS.

Crescent City Gas Light Company vs. New Orleans Gas Light Company, 27 An. 138; N. O. G. L. Co. vs. La. Light Co., 115 N. S. 650; Oglesby vs. Attrill, 105 N. S. 605. (In this case the whole question between the Crescent City Gas Light Co. and the New Orleans Gas Light Co., is thoroughly discussed.)

JEFFERSON GAS LIGHT COMPANY.

Extract from Minutes City Council, City of Carrollton.

CARROLLTON, Jan. 11, 1871.

WHEREAS, Under an act of the Legislature of the State, approved March 9, 1869, the Jefferson Gas Light Company is given the exclusive privilege of supplying gas light in the territorial limits of the city of Carrollton; and whereas, the said Gas Light Company now proposes to lay pipes and introduce gas in the city under certain conditions; therefore

SECTION 1. *Be it ordained by the Mayor and Council of Carrollton,* That the provisions of said act of Legislature are hereby accepted and approved as therein mentioned, under the terms and further conditions hereinafter mentioned.

SEC. 2. *Be it further ordained, etc.,* That the Mayor be and is hereby authorized to enter into a contract by public act with the said Jefferson City Gas Light Company, as follows:

The said Jefferson City Gas Light Company shall, within six months from the date of contract, or as soon as can be laid, an

eight-inch gas main from the lower line of the city of Carrollton, up St. Charles street to the Carrollton Railroad depot on one side of said street, and a three-inch gas main from lower line up the other side of St. Charles street to Canal avenue, and up Levee street from the aforesaid depot to the upper line of the city of Carrollton, with the necessary branches, drip boxes, etc., and as soon as practicable shall lay branch mains, pipes, etc., out Canal avenue, Dublin, Washington and the other principal streets, in order to light the said streets and supply the citizens with gas light.

Also, the said company shall provide and erect the necessary lamp posts along the said line.

That in consideration of the foregoing, that the city of Carrollton, through its Mayor, shall provide an issue of forty-five one thousand dollar bonds of the city of Carrollton, payable in thirty years, with interest at 8 per cent., payable semi-annually to the order of said Gas Light Company, which bonds shall be dated and delivered to the said Gas Light Company when the pipes, mains, etc., are laid and the lamp posts erected along the line of St. Charles street, and Levee street, from Lowerline street to Upperline street, and the gas turned on for use; provided, the said company shall guarantee the said bonds, and assume the payment of principal thereof at maturity; and provided, further, if at maturity the said company shall fail to pay said bonds, then the said city shall pay the same and become the owner of all the gas works, mains, pipes, posts, etc., then lying and being within the present limits of Carrollton.

That the Treasurer of the city of Carrollton shall specially appropriate and set aside in lawful money, every month, such amount and proportion of the taxes and dues of said city as shall be necessary to meet the interest on said bonds and such gas bills as may accrue against the said city, and that the Mayor in said act shall be authorized to make such other agreements, not inconsistent herewith, as may be necessary to carry out the purposes of this ordinance and make the said contract legal and conclusive on both parties thereto.

SEC. 3. *Be it further ordained, etc.,* That this ordinance shall take effect from and after its passage.

GRAIN ELEVATORS—See WHARVES AND LANDINGS.

GAME—See ANIMALS, BIRDS AND FISHES.

GAMBLING—See OFFENCES.

GARBAGE.

See STREETS, HEALTH.

Comptroller to advertise for improved system.
 Ord. No. 7860
 C. S.
 Aug. 1, 1893.

ART. 769. That the Comptroller be and he is hereby directed to advertise for ten days, according to law, for sealed proposals for the collection, removing and disposing of all garbage from private residences, business places, streets and alleys, and all public places within the limits of the city of New Orleans, as described in garbage districts hereinafter enumerated, for twenty years, by some improved system, similar to those now in use in other cities of the United States.

Every bidder making proposals under this ordinance shall state the price per annum, divided into four periods of five years each, at which he is willing to contract therefor, under the terms of this ordinance.

All bids received by the Comptroller shall be reported to the City Council.

The City Council shall award the contract to the bidder whose price is most satisfactory to them, but this award shall not be final until the successful bidder has presented a system of disposing of refuse vegetable and animal matter, including dead animals, in a manner which is scientific and sanitary, disposing of whatever is injurious to health and discomforting to the human race, at the same time preserving whatever is valuable in the material aforesaid. The City Council reserving the right to reject any and all bids.

Deposit.

ART. 770. (2) That each bidder prior to submitting his bid shall deposit with the Treasurer the sum or twenty-five thousand (\$25,000) dollars in United States currency, shall file a receipt therefor with the Comptroller as evidence of his qualification to bid. This deposit is required as an earnest of good faith upon the part of all the bidders, and all deposits shall be returned to all unsuccessful bidders immediately after the final award by the Council and the deposit of the successful bidder shall be retained by the Comptroller until the notarial contract herein provided for is signed, and said deposit shall be forfeited to the city

of New Orleans, in case said adjudicatee shall fail to enter into said contract and furnish the necessary bond. When said contract is signed and bond given, the deposit shall be returned to the adjudicatee.

ART. 771. (3) That the city of New Orleans, for the purpose of collecting and disposing of all garbage, shall be divided into seventeen districts, to be known as Garbage Districts, which districts will be known as follows, to-wit:

Districts. Ib.

First—Thalia to Felicity Road, river to Claiborne.

Second—Thalia to Julia, river to Claiborne.

Third—Julia to Canal, river to White.

Fourth—Canal to St. Louis, river to White.

Fifth—St. Louis to St. Philip, river to Broad.

Sixth—St. Philip to Esplanade, river to Hagan avenue.

Seventh—Esplanade to Elysian Fields, river to Broad.

Eighth—Elysian Fields to Enghien, river to Claiborne.

Ninth—Enghien to Louisa, river to Claiborne, Louisa to Poland, river to St. Claude.

Tenth—Felicity Road to First, river to Claiborne.

Eleventh—First to Toledano, river to Claiborne.

Twelfth—Toledano to Napoleon avenue, river to Dryades.

Thirteenth—Napoleon avenue to Peters avenue, river to Dryades.

Fourteenth—Peters avenue to Lowerline street, river to Carondelet.

Fifteenth—Jackson to river, Atlantic avenue to Powder.

Sixteenth—Lowerline street to Carrollton avenue, river to Seventh.

Seventeenth—Carrollton avenue to Upperline street, river to Seventh.

The above territory shall comprise the limits of the garbage districts of the city of New Orleans, and the provisions of this ordinance shall apply to same, except as to dead animals, which shall be removed by the con-

tractor from places wherever dairies or stables are located, outside of said limits.

Garbage defined.

ART. 772. (4) That the word "garbage," as used in this ordinance, shall be construed to mean house and kitchen offal, and all refuse matter not excremental, whether solid or liquid, and composed of animals and vegetable substances, including dead animals coming from public or private premises of the city, and not destined for consumption as food. No

Unlawful to mix.

ashes, dirt, or other substance foreign to garbage shall be covered by this contract, except as hereinafter provided, and it shall be unlawful for any occupant or occupants of any premises in the city of New Orleans to mix any such ashes, dirt, or other substances foreign to garbage, with the garbage to be removed from said premises as herein provided, under a penalty of not less than five nor more than twenty-five dollars fine for each offence, or imprisonment for not more than thirty days.

Penalty.

Notice to occupants.

ART. 773. (5) That the contractor shall by proper notice in writing, issued to occupants of premises in the several garbage districts, inform the occupant or occupants of such premises of the hours when garbage will be removed from said premises, and it will be the duty of such occupant or occupants of such premises to have all garbage ready for removal therefrom at the hours so designated by the contractor for such premises, under a penalty of not less than ten dollars fine or imprisonment for not more than ten days for each offence.

Penalty.

Duty of contractors.

ART. 774. (6) That it shall be the duty of the contractor to collect and remove from all private residences, business places, streets and alleys, and all public places within the limits of the garbage districts aforesaid, all slops, offal, garbage, dead animals, in suitable vehicles or carts, and other animal and vegetable matter in enclosed water-tight metallic vehicles or carts, so that no drippings or refuse can be dropped on the streets, alleys or public places in the city, to a certain point or points, to be approved by the City Council, where the said con-

tractors shall have erected on land owned or leased by him, a first-class plant, including the necessary buildings and machinery for the destruction by fire, or the reduction and conversion of said material so removed into merchantable products. Said plant shall have a capacity sufficient and ample to promptly and daily dispose of all material so to be removed and collected by said contractor in the garbage districts of the city of New Orleans as aforesaid. The vehicles or carts above referred to shall each be provided with a gong of sufficient size to be plainly heard by the occupant or occupants of the premises, and said gong shall be rung on the approach of such vehicle or cart as notice to the occupants of the approach thereof.

ART. 775. (7) That it shall also be the duty of the contractor to remove from within the said garbage districts, all street pilings collected by the Public Works Department from gutters, ashes, house and ordinary street sweepings, but he shall not be required to remove debris from buildings in course of demolition, repair or construction, or any other refuse except that enumerated in this ordinance.

Street pilings.
1b.

ART. 776. (8) That the contractor shall, by proper notice in writing, issued to occupants of premises in the several garbage districts named, inform the occupant or occupants of such premises of the hours when said ashes and house sweepings will be collected and removed, and it shall be the duty of such occupant or occupants to have such house sweepings and ashes placed in a box or barrel at some convenient point for the contractor and ready for removal at the hour designated by him, under a penalty for each omission of not more than ten dollars fine or imprisonment for not more than ten days.

Occupants of
premises to be
informed of the
hours of collec-
tion.

ART. 777. (9) That the Commissioner of Public Works shall notify the contractor in writing of all street sweepings and pilings which are ready for removal, and it shall be the duty of the contractor, within twelve working hours after such notice (unless prevented by bad weather) to remove all such sweepings and pilings so designated, under forfeit of ten dollars

Duty of Com-
missioner of
Public Works.
Ord. No. 11,501,
C. S.
Oct. 22, 1895.

for every twelve working hours he fails to remove said designated pilings, said forfeit to be deducted monthly from the amount due the contractor, in the manner herein provided for similar deductions as to garbage, in section 13 of this ordinance as now amended.

Inspection and
supervision.
Ord. No. 7560
C. S.

ART. 778. (10) That the said works and plant shall, at all times, be subject to the inspection and supervision of the Board of Health of the State of Louisiana, and said board shall have supervision of the means and men employed in the collection, removal and disposition of said garbage, and if at any time the said collection and removal shall be improperly done or not conducted in a sanitary manner, through fault of said employees, said employee or employees shall, on demand of said Board of Health, be discharged by said contractor, and reliable and competent men put in their places.

To collect
daily.

ART. 779. (11) That the said contractor shall collect all dead animals daily and all slops, garbage, offal and animal and vegetable matter in the city of New Orleans daily, from all private premises, public grounds, market places, restaurants, hospitals, slaughterhouses and all other places where animals, fowls or game are killed within the aforementioned garbage district.

City to
be protected.

ART. 780. (12) That the said contractor shall hold the city of New Orleans harmless and free from all loss, cost or damage that the said city may incur on account of the collection of said slops, offal, garbage, dead animals and animal and vegetable matter, and the transportation and disposal of the same as above set forth.

Complaint.
Ord. No. 11,501,
C. S.

ART. 781. (13) Should any complaint of non-collection or removal of garbage be made to the Commissioner of Public Works which, upon investigation, shows that garbage, etc., has not been removed within the proper time, the said contractor shall, upon notice by said Commissioner of Public Works, immediately send a special wagon to remove and collect the same, and on the contractor's failure to collect and remove the said garbage within twelve working hours after said notice, the said

contractor shall forfeit the sum of \$10 for each and every twelve working hours that he fails to remove said garbage, and such penalties shall be held and deducted monthly from the amount earned under his contract, by certificates issued to the Comptroller by said Commissioner of Public Works. In case said contractor is aggrieved by the said deductions of said Commissioner of Public Works, either by virtue of the provisions of section 9 or section 13 of this ordinance, he may appeal to the Council for relief, but the decision by the Council in said matter shall be conclusive and binding upon the contractor. Penalty.

ART. 782. (14) That when the contractor is ready to begin operations under this ordinance he shall notify the Mayor thereof, and the Mayor shall thereupon issue his proclamation to that effect, notifying the people of the city of New Orleans to comply with the terms of this ordinance, and it shall thereupon become the immediate duty of the occupant or occupants of every dwelling house or other building in the city of New Orleans to provide a suitable metallic, water-tight, covered box or other covered metallic vessel, in which said occupant or occupants shall cause to be placed daily all offal, garbage, slops and refuse animal and vegetable matter from the premises, and shall place such metallic, water-tight, covered box or other metallic covered vessel in such place as will be most convenient for said contractor to remove same, and any failure to comply with the provisions of said proclamation shall subject said occupant or occupants to fine of not more than ten dollars or imprisonment for not less than ten days for each and every day they shall fail to provide such box or vessel or comply with the provisions of this section. Duty of Mayor.
Ord. No. 7860,
C. S.

Metallic water-tight boxes.

ART. 783. (15) That after the proclamation of the Mayor, as aforesaid, it shall be unlawful for any other person than the said contractor to collect, remove or dispose of from any public or private place, any garbage, dead animals or other matter provided for in this ordinance, and any person violating this clause or this ordinance shall be fined not less than five nor more than Unlawful for others to collect, etc.
Ib.

Penalty.

twenty-five dollars for each offence, or shall be imprisoned for not more than thirty days.

Bond.

Ib.

ART. 784. (16) That within ten days from the adjudication of said contract by the City Council, the contractor must be ready to sign and enter into notarial contract before the City Notary and provide and give to the city of New Orleans a bond in the penal sum of fifty thousand (\$50,000) dollars good and solvent security, to be approved by the Mayor, contingent for the faithful performance of each and every covenant and condition of said agreement, and any failure on the part of the contractor to sign said contract and give said bond will forfeit to the city the twenty-five thousand (\$25,000) dollars deposited with the City Treasurer at the time of his bid.

Contractor
must be ready
in one year.

Ib.

ART. 785. (17) That the contractor shall be ready in all respects to enter upon the discharge of his duties under this contract within one year from the date of the signing of said notarial act, and any failure on his part to be ready, at the expiration of said year shall subject him to a fine of \$100. per day for each and every day after the expiration of said year that he fails to begin work under this contract.

Compensation.

Ib.

ART. 786. (18) That the price which the city of New Orleans is to pay the said contractor for the services to be performed under said contract shall be divided into sixty equal parts for the first five years, and the same ratio shall be the basis of all payments to said contractor for each succeeding five years, during the existence of this contract, so that payments shall be made monthly on the one-twelfth principle. Payments shall be made to the said contractor by warrant of the Comptroller on the Treasurer of the city of New Orleans, and the city of New Orleans hereby binds and obligates itself to appropriate every year during the existence of this contract in the annual budget of receipts and expenditures the sum agreed to be paid said contractor each year.

ART. 787. (19) That all ordinances and parts of ordi-

nances in conflict with this ordinance be and the same are hereby repealed. Repealed clause. Ib.

ART. 788. That the Southern Chemical and Fertilizing Company, Limited, the contractor under the provisions of this ordinance, shall signify its acceptance of the provisions and terms of this ordinance by act before the City Notary, within ten days after the promulgation of the same. Acceptance. Ord. No. 11,501, C. S.

ART. 789. Whereas, in accordance with the provisions of Ordinance No. 7860, C. S., an ordinance providing for the collection and disposing of all garbage, it is made mandatory before the final awarding of the contract that the successful bidder shall submit to the Council a system or systems for the removal and disposing of refuse vegetable and animal matter, including dead animals, in a manner which is scientific and sanitary; and whereas, E. G. Schlieder, the successful bidder, has presented to the Council, through the finance committee, a system for the disposal of same, both by cremation and reduction; therefore be it resolved, that the systems presented by the said Mr. E. G. Schlieder be and the same is hereby approved, and that the same be made part of his contract with the city of New Orleans. Approving and adopting system of E. G. Schlieder, and accepting his bid. Ord. No. 8000, C. S. Aug. 29, 1893.

ART. 790. That the bid of four hundred and seventy-five dollars (\$475) made by R. J. Whann for the three city garbage boats be and the same are hereby accepted, and that the Commissioner of Public Works is hereby requested to make the necessary transfer of said boats whenever the said amount is paid into the City Treasury. Sale of garbage boats. Ord. No. 9074, C. S. May 1, 1894.

ART. 791. That the Louisiana Construction and Improvement Company be and they are hereby directed to cut down the garbage wharves at Toledano, Robert and Hospital streets, so as same can be utilized as wharves for the commerce of this port. Garbage wharves. Ord. No. 9209, C. S. May 15, 1894.

ART. 792. That it shall be the duty of the Commissioner of Public Works to issue a circular addressed to each householder in this city instructing him in his duties in the preparation of the garbage ready for removal. Duty of Commissioner of Public Works. Ord. No. 9829, C. S. Oct. 9, 1864.

Notice.

Ib.

ART. 793. (2) That in case the garbage company fails to remove the garbage at the appointed hour, the householder or any person shall immediately notify in writing the Commissioner of Public Works of the non-removal of said garbage.

Investigation
of complaints.

Ib.

ART. 794. (3) That as soon as the Commissioner of Public Works shall receive the complaint he shall investigate the same and notify the garbage contractor to remove the same.

Duty of gar-
bage contrac-
tor.

Ib.

ART. 795. (4) That it shall be the duty of the garbage contractor to remove said garbage within twelve hours, in accordance with their contract, and to make due proof to the Commissioner of Public Works that the complaint has been satisfied by producing to him the certificate of the complaining householder that his garbage has been removed, stating the day and hour of removal; and, in case said certificate be not obtainable, the same may be signed by any occupant of said premises; and in case due proof be made to the Commissioner of Public Works that said certificate could not be obtained, he shall exact from the contractor such proof as will satisfy him that the garbage has been duly removed.

Deductions.

Ib.

ART. 796. (5) That at the expiration of the month the Commissioner of Public Works shall notify the Comptroller the number of unsatisfied complaints in his office, and he shall deduct from the monthly allowance of the garbage contractor ten dollars for each unsatisfied complaint in accordance with the terms of his contract.

Rules and
regulations.

Ib.

ART. 797. (6) The Commissioner of Public Works is hereby authorized to make such rules and regulations as he may deem necessary to enforce the removal of street pilings and the enforcement of the penalty against the garbage contractor for non-removal of same in accordance with the terms of his contract.

Take effect.

Ib.

ART. 798. (7) That this ordinance shall take effect from and after its passage.

Unlawful to
pick or disturb
contents of gar-
bage cans, etc.
Ord. No. 2984
C. S.
June 5, 1888.

ART. 799. That it is hereby made unlawful for any person or persons to in any manner pick over or disturb the contents of any garbage, ash, offal or other refuse receptacle, on any sidewalk, street, public market or garbage boat or wharf.

ART. 800. That any person or persons contravening the provisions of this ordinance shall be subject to a fine of not less than \$5 or more than \$25, and in default of payment to imprisonment for not less than ten or more than thirty days at the discretion of the Recorder within whose jurisdiction the offence was committed.

Penalty. Ib.

State *vs.* Payssam, 47 An. 1029; State *vs.* Morris, 47 An. 1660.

GATES.

ART. 801. That the Canal and Claiborne Street Railroad Company, New Orleans City and Lake Railroad Company, Louisville and Nashville Railroad Company, Pontchartrain Railroad Company, and Southern Pacific Railroad Company be and they are hereby required to erect, maintain and operate safety gates on Elysian Fields street, as follows:

Elysian Fields street.
Ord. No. 10,662
C. S.
April 30, 1895.

ART. 802. (2) The New Orleans City and Lake Railroad Company, Louisville and Nashville Railroad Company, Pontchartrain Railroad Company and Southern Pacific Railroad Company are hereby directed and required to erect, maintain and operate safety gates at the intersection of Elysian Fields and Dauphine streets, and Elysian Fields and Rampart streets; the cost of erection, maintenance and operation to be divided and paid as follows: 30 per cent. by the Louisville and Nashville Railroad Company; 30 per cent. by the Pontchartrain Railroad Company; 30 per cent. by the New Orleans City and Lake Railroad Company, and 10 per cent. by the Southern Pacific Railroad Company.

Elysian Fields at Dauphine and Rampart streets. Ib.

Costs.

ART. 803. (3) That the Louisville and Nashville Railroad Company, Pontchartrain Railroad Company and Canal and Claiborne Street Railroad Company be and they are hereby directed and required to erect, maintain and operate safety gates at the intersection of Elysian Fields and Claiborne streets, and Elysian Fields and St. Claude streets, the cost of erection, maintenance and operation to be paid one-third by each of said companies.

Elysian Fields at Claiborne and St. Claude Ib.

Costs.

ART. 804. (4) That the Louisville and Nashville Railroad Company, Pontchartrain Railroad Company and

Elysian Fields at Villere. Ib.

the New Orleans Traction Company be and they are hereby directed and required to erect, maintain and operate gates at the intersection of Elysian Fields and Villere streets, the cost of erection, maintenance, and operation to be paid one-third by each of said companies.

Cost.

ART. 805. (5) That said gates shall be erected and in operation within seventy days after the passage of this ordinance, and on failing to erect said gates, or to operate them after said time, each of the above named companies in default shall be liable to a fine of from five to twenty-five dollars for each and every day that said gates are erected or operated; or, in default of payment of said fine, imprisonment from five to thirty days at the discretion of the Recorder having jurisdiction thereof; that all ordinances in conflict herewith, or on the same subject matter, be and they are hereby repealed.

Penalty.

Ib.

On Elysian
Fields at Dau-
phine, Ram-
part, St. Claude
and Claiborne.
Ord. No. 9820,
C. S.
Oct. 9, 1894.

ART. 806. That for the better protection of life and property the Louisville & Nashville Railroad Company be and they are hereby directed to have gates erected on Elysian Fields street at the following intersections: Dauphine, Rampart, St. Claude and Claiborne streets.

Penalty.

Ib.

ART. 807. That the above named gates shall be erected within thirty days after the passage of this ordinance, and the said Louisville & Nashville Railroad shall be liable to a fine of \$25, and in default of payment of said fine thirty days' imprisonment, said fine to be recoverable before the Recorder having jurisdiction.

L. N. O. & T.
R. R.

Ib.

ART. 808. That the Louisville, New Orleans & Texas Railway Company be and they are hereby directed and required to erect gates on North and South Poydras street, at the intersections of Claiborne and Galvez streets, and keep flagmen night and day at all intersections of streets from their depot at Poydras and Liberty streets to Galvez street, and to fence their tracks—except at said intersections—between the points designated, viz.: Depot to Galvez street, all in accordance with lines and specifications of the City Engineer, who is hereby

charged with the proper carrying out of the provisions of this resolution.

ART. 809. That each and every steam railroad company within this municipality shall cause railroad gates to be placed and operated at their own expense at all street crossings intersected by street railways except where they run along the centre of streets one hundred or more feet in width, over their respective tracks, when designated and ordered by the City Surveyor and the Commissioner of Public Works, or by the City Surveyor and the Mayor, and that the same shall be completed within the period of sixty days after being so designated and ordered. That any engineer, conductor or other employee of a railroad who shall undertake to run a train under his control over any street crossing when said gates are not closed, shall, upon conviction before the Recorder of the district in which the offence shall be committed, be subject to a fine not exceeding \$25, and in default of payment of the fine, to imprisonment for a period not exceeding thirty days.

At all street crossings.
Ord. No. 4148,
C. S.
Dec. 3, 1889.

Penalty.

ART. 810. That all ordinances or parts of ordinances conflicting with the above be and the same are hereby repealed.

Repealed
clause. Ib.

ART. 811. That each and every railroad company within this municipality, when required to erect gates at street crossings by city ordinance, shall have same erected within sixty days from the promulgation of the ordinance directing the erection of said gates.

To be erected
within sixty
days.
Ord. No. 7010,
C. S.
Dec. 13, 1892.

ART. 812. That any railroad company violating this ordinance, shall, upon conviction before the Recorder of the district in which the offence shall have been committed, be subject to a fine of \$25, and in default of payment of the fine, to imprisonment for a period not exceeding thirty days; said fine to be repeated each and every day that the ordinance is violated.

Penalty. Ib.

RELATIVE TO CARROLLTON AVENUE CROSSING.—See *Railroads*.

GRAVEYARDS—See CEMETERIES.

GOATS—See ANIMALS, ETC.

GLOVE CONTESTS—See AMUSEMENTS.

GROUND RENTS.

Ground rent
due city.
Ord. No. 643.
Feb. 11, 1853.

ART. 813. (1) That all persons holding property within the city of New Orleans, subject to ground rent, payable to the city at the rate of 6 per cent. per annum upon the capital debt secured by said property, be and they are hereby permitted to release themselves from such ground rent by full payment of the same, and of the capital thereof, into the treasury.

Mortgages.
Ib.

ART. 814. (2) That the Mayor be authorized to raise any mortgage held by the city upon property as above described, upon the exhibition of the City Treasurer's receipt or certificate, showing that the payment required by the foregoing resolution has been made.

GUNPOWDER—See COMBUSTIBLES AND EXPLOSIVES.

GUTTERS—See STREETS, SIDEWALKS, ETC.

HARBORMASTERS—BOARD OF.

See MASTER AND WARDENS.

ACT OF THE LEGISLATURE.

Governor and
Senate to nomi-
nate five harbor
masters, to con-
stitute Board of
Harbormasters
Term of service

Power of the
Governor to re-
move said Har-
bormasters

Bond and se-
curity to be
given by Har-
bormasters.

The Governor shall nominate, and, by and with the advice and consent of the Senate, appoint five harbormasters, who shall constitute and be known as the Board of Harbormasters for the port of New Orleans, and whose term of office shall be two years; provided, however, that the Governor shall have the power to remove from office any of said harbormasters, upon satisfactory proof made to him of negligence, incapacity or official misconduct.

Each of said harbormasters shall give bond, payable to the Governor and his successors in office, with sufficient sureties, in the penal sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties required of him by law.

Said harbormasters, under the rules and regulations to be established by the board, shall have authority to regulate and station all vessels in the stream of the river Mississippi, within the limits of the port of New Orleans, and at the levees thereof, and remove from time to time such vessels as are not employed in receiving and discharging their cargoes, to make room for such others as require to be more immediately accommodated, for the purpose of receiving or discharging their cargoes; and as to the fact of any vessel being fairly and *bona fide* employed in receiving and discharging, the said harbormasters are constituted the sole judges. And further, the harbormasters shall have authority to determine how far and in what instances it is the duty of the master and others having charge of ships and vessels to accommodate each other in their respective situations; and if any master or other person shall oppose or resist any harbormaster in the execution of the duties of his office, he shall, for each offence, forfeit and pay the penal sum of fifty dollars, to be sued for by the treasurer of the Charity Hospital of the city of New Orleans, for the use of said hospital; provided, however, that if any person shall consider himself aggrieved by the decision of any individual harbormaster, he shall be at liberty to appeal to the board, and their concurrence shall be given thereto before such decision is carried into effect.

Duties and power of Harbormasters.

Penalty for opposing Harbormasters in the performance of their duties.

Persons aggrieved may appeal to Board.

Act No. 195, p. 206, of 1856.

The board of harbormasters for the port of New Orleans shall hereafter have only the right to demand and receive from the commanders, owners, consignees and agents, or either of them, of every vessel that may enter the port of New Orleans and load, unload, or make fast to the levees within the said limits of the port of New Orleans, the following fees, viz.: For every steamship, except steamships running to Texas and Gulf ports, twenty dollars; for every steamship running to Texas and Gulf ports ten dollars, for every ship twenty dollars, every bark fifteen dollars; every brig and three-masted schooner, ten dollars; every other schooner, two dollars and fifty cents. This shall not extend to the chalands, flats, keelboats, steamboats, or other vessels which are employed in the river trade unless upon the application of the person having charge of such chaland or other vessels employed. The harbormaster shall interfere and adjust any difference respecting the situation or position of such chaland or boat, which difference the harbormasters are authorized to hear and determine, in which case they may demand and receive from the party in default in the premises the sum of two dollars for every difference so adjusted, and no more.

Fees of the Board of Harbormasters for the port of New Orleans.

Act No. 64, p. 104, of 1877, E. S.

It shall be the duty of the said harbormasters to superintend

Further duties of Harbor-masters. and enforce all laws of this State, and all laws of the city of New Orleans, for the preventing and removing of all nuisances whatsoever in or upon the levee of the city.

Office to be kept by them. The said board of harbor-masters shall keep an office in a central part of the city, and may appoint such clerks and deputies as they think proper; but the deputies and clerks shall take an oath to perform truly and faithfully the duties imposed on the harbor-masters, and deputies, and the said harbor-masters shall be responsible for their acts.

Their clerks and deputies. SEC. 8. That all laws contrary to the provisions of this act, and all laws on the same subject matter, except what is contained in the Civil Code and Code of Practice, be and the same are hereby repealed.

Act No. 195, p. 206, of 1856.

Three cents per ton each vessel will pay. The rate of three cents per ton, to be computed from the tonnage expressed in the register of said vessel, respectively, and no more. This shall not extend to the chalands, flats, keelboats, boats in the river trade excepted, steamboats or other vessels which are employed in the river trade, unless upon the application of the person having charge

Port Guardian to decide all cases, and to receive \$2.00 for every adjustment. of such chaland, flat, keelboat, steamboat or other vessel so employed. The harbor-masters shall interfere and adjust any difference respecting the situation or position of such flat or boat, which difference the harbor-masters are authorized to hear and determine; in which case they may demand and receive, from the party in default in the premises, the sum of two dollars for every diffence so adjusted and no more.

SEC. 2. *Be it further enacted, etc.,* That this act shall take effect from and after its passage.

Acts approved December 31, 1864, p. 30, No. 18.

For Decisions of Supreme Court see "Master and Port Wardens."

Acts No. 2 and No. 64 of 1877, E. S., fixing fees.

HATCHWAYS AND OPENINGS.

To be closed. ART. 815. The occupant or occupants of any store, Ord. No. 6533 storehouse, manufactory or other buildings, in which C. S. hatchways or hoistways, or openings of any kind, except the usual stairways are used throughout any or July 5, 1892, either floor thereof, or in case the said building or buildings are unoccupied and not leased, the owner or owners thereof, and in case they are leased, the lessee or lessees thereof, shall cause the said hatch, hoistways or other openings to remain closed or protected by a railing at least three feet (3) high, and to be opened

only when needed for the passage of merchandise, and the said owner, lessee or agent shall cause the same to be securely shut, closed and fastened at the close of each day.

HAY INSPECTION.

REPEALED BY ACT 111 OF 1888, p. 175.

HEALTH AND QUARANTINE.

INSPECTION OF FOOD—See BARROOMS AND RESTAURANTS.

ART. 816. That no person shall bring or cause to be brought into the limits of the city of New Orleans any hides, bones, peltry, rags or other articles whatsoever which may tend to produce infection, or in any way to injure or endanger health.

Introduction
of hides, etc.
June 1879.
A. S. 6022.

ART. 817. No person shall sell, or offer or expose for sale in public or private any blown, stale, decaying, putrid, rotten or unwholesome provisions, vegetables, fruits or tainted meats or fish, or any impure or unsound food, or any drink liable to be injurious to health, or the flesh of any animal that has died of disease or which was diseased when killed.

Sale of putrid
meats, v e g e -
tables, etc. Ib.

ART. 818. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4969
C. S.
Dec. 16, 1890.

ART. 819. No person shall adulterate or cause to be adulterated any substance intended for food or any liquor intended for drink, or any drug or medicine; or shall offer for sale any such adulterated article.

Adulterated
food.
Ord. No. 5503.
Aug. 4, 1891.

ART. 820. No person shall sell, or offer for sale any poisonous drugs, medicines or chemicals, except on the

Sale of poison.
Ord. No. 6022,
A. S.
June, 1879.

prescription or written order of a physician; nor unless the receptacle or package containing such poisonous drug, medicine or chemical be marked "poison" in plain and conspicuous characters.

Governing
soap boilers,
etc., in regard
to keeping foul
or offensive
matter.

Ib.

ART. 821. No distiller, brewer or keeper of any workshop, manufactory or laboratory, or warehouse-keeper, or owner, or soap-boiler, Chandler or any other person shall have, keep or use, produce or store, within the limits of New Orleans, foul, fetid, putrid or offensive or injurious matters, substances, odors or vapors liable to injure health, and on complaint of the Board of Health, unless the evil complained of be at once discontinued, the Administrator of Police shall order such places to be forthwith closed, and such business stopped, the continuance of which is liable to injure health.

Sale of adul-
terated milk.

Ib.

ART. 822. No person shall sell or offer for sale any unwholesome, watered or adulterated milk, or milk known as swill milk, or milk from cows fed on swill, garbage or other unhealthful matters, or any butter or cheese made from any such milk, or any unwholesome butter or cheese.

Penalty.
Ord. No. 4966,
C. S.

Dec. 16, 1890.

ART. 823. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the District wherein the offence is committed: provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Standard of
milk.
Ord. No. 6546,
C. S.
Aug. 2, 1892.

ART. 824. That the standard by which the adulteration of milk shall be determined, under Ordinance No. 6022 A. S., adopted June, 1879, shall be as follows: Normal or pure milk shall be considered to be such milk as will upon the test thereof be found to possess a minimum specific gravity, actual density of (1.029) one thousand and twenty-nine at sixty degrees Fahrenheit (60 deg. F.), and shall contain not less than thirteen (13) parts of total solids in one hundred parts of milk, as

follows: Butter fat ($3\frac{1}{2}$) three and one-half per centum, solids not fat ($9\frac{1}{2}$) nine and one-half per centum, and water not more than (87) eighty-seven per centum.

ART. 825. That any milk falling below the test above prescribed, or any milk from which the cream has been removed, or to which water, foreign fats, coloring matter, or any other foreign or extraneous substance has been added, shall be considered as adulterated under said ordinance. Adulteration defined. Ib.

ART. 826. That every vendor or establishment, or person who sells milk, shall be obliged to furnish to any sanitary officer or inspector of the Board of Health of the State for inspection and analysis, on application therefor, a sample of the milk sold by said vendor or establishment or person from the can or other vessel from which it is sold to the public said sample shall not exceed one-half pint, and there shall be no charge therefor. Samples to be furnished on application. Ib.

ART. 827. That any person who shall be found guilty of selling milk below the standard hereinbefore fixed, or otherwise adulterated or modified as provided under section 2 of this ordinance, or refusing to furnish the sample as hereinbefore provided, shall be subject to a fine of not more than twenty-five dollars for each and every offence, and in default of payment thereof to imprisonment in the parish prison for a period of not over thirty days. Said fine or imprisonment to be enforced by any court of competent jurisdiction within the corporate limits of the city of New Orleans. Penalty. Ib.

ART. 828. (1) Whoever by himself or his servant, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his custody or possession with intent to sell or exchange, or expose or offer for sale as pure milk any milk from which the cream or any part thereof has been removed, shall be fined not more than twenty-five (\$25) dollars or be imprisoned in the parish jail not more than ten (10) days for each and every offence. Unlawful to sell skimmed milk. Ord. No. 4629, C. S. July 29, 1890.

ART. 829. (2) No dealer in milk, and no servant or agent of such a dealer, shall sell, exchange or deliver,

To be marked
sk i m m e d
milk. or have in his custody or possession with intent to sell,
Ib. exchange or deliver, milk from which the cream or part
of the cream has been removed, unless in a conspicuous
place above the centre upon the outside of every vessel,
can or package from which or in which such milk is sold,
the words "Skimmed Milk" are distinctly marked in
uncondensed Gothic letters, not less than one inch in
length. Whoever violates the provisions of this section
shall be punished by the penalties provided in the fore-
going section 1.

Vehicles t o
be marked. ART. 830. (3) That any person offering milk for sale
Ib. from a cart, wagon or other vehicle shall be required to
have painted on both sides thereof in uncondensed
Gothic letters at least three inches in length the location
of the dairy from which the milk is obtained, the name
of the proprietor thereof; if a street, the number, and
if a road or a place outside the city limits, a proper
designation thereof. Any person failing to do so shall
be punished as provided in section 1.

To take effect. ART. 831. (4) This ordinance shall be in full force
Ib. and effect ten days after publication in the official
journal.

Carrying water. ART. 832. That no vendor of milk in the public streets
Ord. No. 7584. and places shall place within, or carry, or have, in or
C. S. about the vehicle in which milk shall be carried or kept
May 16, 1893. for sale, or from which it is sold, or have in any can or
vessel carried by hand at the same time as milk is simi-
larly carried for sale, any water or liquid of any de-
scription other than milk or cream.

Penalty. ART. 833. That each and every person offending
Ib. against, or contravening the provisions of this ordinance,
shall be arrested and fined not exceeding twenty-five
dollars for each offence, and in default of payment
thereof, be imprisoned in the parish prison not exceed-
ing thirty days. Said fine or imprisonment to be en-
forced by any court of competent jurisdiction within the
corporate limits of the city of New Orleans.

Ad ulteration
of m o l a s s e s ,
syrup, etc. ART. 834. That it shall be unlawful for any person or
Ord. No. 10,686, persons to adulterate or cause to be adulterated, any
C. S. molasses, syrup or other liquid or saccharine matter
Dec. 11, 1891.

with zinc, tin, or any other chemical injurious or deleterious to public health.

ART. 835. That it shall be unlawful for any person or persons to engage, employ or hire any one to adulterate any molasses, syrup, or other liquid or saccharine matter, with zinc, tin or other chemical deleterious and injurious to public health.

Employment of
persons to
adulterate.
Ib.

ART. 836. (3) That it shall be unlawful for any person or persons to sell, cause to be sold, buy or cause to be bought, to dispose of, or cause to be disposed, in any way or manner any molasses, syrup, or any liquid, or saccharine matter, adulterated with zinc, tin, or any other chemical injurious or deleterious to public health.

Selling or
causing to be
sold.
Ib.

ART. 837. (4) That the party or parties arresting or causing to be arrested any person or persons violating this ordinance or any section thereof shall receive one-half of the fine imposed by the Recorder.

Informers to
receive one-
half of fine.
Ib.

ART. 838. (5) That any person or persons violating any section of this ordinance shall be fined not less than ten dollars fine or twenty days' imprisonment in the parish prison, and not more than twenty-five dollars (\$25) fine or thirty days' imprisonment in the parish prison for each and every offence. Said fine or imprisonment to be imposed by the Recorder in whose district the said violation occurs.

Penalty.
Ib.

ART. 839. (6) That all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this article be and the same are hereby repealed, and this ordinance shall take effect from and after this passage.

Repealing
clause.

ART. 840. No person shall keep, throw or deposit any offal, filth, foul or offensive matter, corrupt or putrid matter, or any shells, hay, straw, kitchen stuff, paper, cloth, vegetable matter, or any substance whatever that may be offensive to smell, or injurious to health, or liable to become so, in any yard, lot, space or building, sidewalk, gutter, drain or canal, or shall permit the same to be done or remain; provided, that ordinary refuse and sweepings from stores, dwelling-houses and other tenements, and kitchen offal, shall be deposited

Keeping or
throwing any
matter offen-
sive or injuri-
ous to health
upon any ard,
lot, way, etc.,
Ord. No. 622,
A. S.

in tubs, boxes, barrels, or other suitable receptacles, and be placed on the outside of the banquettes, convenient for removal by the offal carts; and provided, that from the fifteenth of March to the fifteenth of October of each year, such deposits shall be made not earlier than 3 o'clock A. M., nor later than 7 o'clock A. M., and from the sixteenth of October to the fourteenth of March, inclusive, such deposits shall be made not earlier than 3 o'clock A. M., nor later than 8 o'clock A. M., and the receptacles as above shall not be left on the banquettes later than 9:30 A. M. throughout the year. All persons who are obligated by law or contract to remove or cause to be removed, all such matters, substances or things, shall attend to these duties before the hour of 9 o'clock A. M. on each day of the year.

Administrator
of Police to
cause removal
of all offensive
matter.

ART. 841. The Administrator of Police shall, upon complaint of the Board of Health, remove or cause to be removed any foul or offensive matters whatever, to such place or places as may be selected by said board, at the expense of the owner of said matter, or the occupant or owner of the premises where the same may be.

Cleanliness
of slaughter-
houses, stables,
etc.

ART. 842. All slaughterhouses, dairies, stables and other places where animals are kept for any purpose whatever, shall be kept clean and wholesome by removal of all ordure, urine and other offensive matters, and by suitable cleansing as often as may be necessary.

Obstructing
the flow of
water.

ART. 843. No person shall impede or obstruct the flow of water in any gutter, canal, pipe or other conduit used for draining within the limits of New Orleans.

Unlawful to
make excava-
tions, etc.,
during certain
periods.

Ord. No. 3254
C. S.
Oct. 9, 18 S.

ART. 844. That it shall be a misdemeanor for any person or persons, corporation or corporations, to make any excavation in the soil, grade or open any street, dig out or clean out any canal, within the limits of the city of New Orleans, from the 1st day of May until the 15th day of October of each year, unless permission shall have been obtained by the Board of Health for such excavation, grading or digging.

Shall not ap-
ply in certain
cases.

ART. 845. This act shall not apply to excavations necessarily made to secure proper foundations for buildings to be erected, provided the contractor or owners of

such building, separately or conjointly, shall cause to be used such disinfectants and in such quantities over and about the excavated material as the Board of Health may direct.

ART. 846. Any person or persons violating any of the provisions of this ordinance shall be fined a sum not less than \$10 or be imprisoned a period of not less than ten days, or both, at the discretion of the court having competent jurisdiction.

Penalty.
 Ib.

ART. 847. No person shall deposit or dump manure, offal or other foul and offensive matters on any lots, enclosure, open areas or streets; provided, that the City Council shall designate certain localities to be used as dumping grounds for such matters, or direct such matters to be burned, when practicable.

Dumping of
garbage, etc.
Ord. No. 6022
A. S.

ART. 848. No person shall build upon any lot or portion of ground in the city of New Orleans without first having obtained from the City Surveyor a certificate stating that said lot or portion of ground is filled to a grade established by him, which grade shall be from an established curb one-half an inch for every foot in width of banquette, front edge of lot or portion of ground two inches higher than inner edge of banquette and surface of a lot or portion of ground gradually ascending in grade three-quarters of an inch to every ten feet to the rear.

Building lots
to be filled.
July, 1881.
A. S. 7208.

ART. 849. All persons, owners, agents, contractors, before commencing to build, shall be required to obtain from the Board of Health permits, which shall be given only upon the presentation of the herein mentioned certificate from the City Surveyor.

Permits to
build.
 Ib.

ART. 850. All buildings erected, and those whose superstructure or frames are repaired after this date, shall not have the lower surfaces of their sills less than three feet from the surface of the ground, and a healthy supply of water of not less than five hundred gallons per room of building, compliance to which shall be known by certificate from the City Surveyor.

House sills.
 Ib.

Water supply.
 Ib.

ART. 851. The Board of Health may, in its discretion, for the protection of life and health, declare any struct-

Buildings to
be declared un-
inhabitable.
June, 1879.
A. S. 6022.

ure or place unhealthy, and may order such structure or place forthwith to be vacated and closed; and the same shall not again be occupied until it shall appear to have been so cleansed or repaired as to be fit for human habitation, and permission shall have been granted accordingly by the Board of Health.

Water supply.
Ib.

ART. 852. All owners and agents of dwelling houses shall provide that the same be amply supplied with hydrant water, or with a cistern or cisterns having a suitable capacity, except in cases where a supply of river water is easily accessible.

Covers for
cisterns.

ART. 853. All owners of premises and cistern builders, Ib. in the erection of cisterns for drinking and culinary purposes, shall provide suitable covers for said cisterns, so as to exclude dust and other matters suspended in the atmosphere.

Committing
nuisances.

ART. 854. No person shall commit a nuisance in any public street, square or other place whereby the purity of the atmosphere is liable to suffer.

Throwing in
the river.

ART. 855. No person shall hereafter deposit or throw Ib. any dead animal, carrion or other offensive or unhealthy matter into the river, except at the points and in the manner designated by law.

Fees for per-
mits.

ART. 856. The fees for permits issued by the Board of Ib. Health shall be as follows: Building permits, twenty-five cents each; permit for opening a cemetery vault, twenty-five cents; permit for bringing a corpse into the city, twenty-five cents; permit for the removal of a corpse from the city, twenty-five cents; permit for emptying a privy vault, twenty-five cents.

Complaints.

ART. 857. All citizens are hereby authorized to lodge Ib. complaints at the office of the Board of Health, or with the Sanitary Inspectors, or with the sanitary police officers, of any violation of this ordinance; and in order to facilitate such complaints, books of complaint shall be kept at the office of the Board of Health, and at the office of each Sanitary Inspector, and said books shall be at all times open for entering therein any complaint or wrong.

ART. 858. No person shall wilfully obstruct, hinder or

resist any officer or person, duly authorized by the Board of Health, in the execution or enforcement of any sanitary ordinance or order of said board, or in entering into or upon any premises for the purpose of examining the same.

Resisting
officers.
June, 1879.
A. S. 7022.

ART. 859. The penalty for each violation of any section or portion of this ordinance shall be a fine of not less than twenty-five dollars, and five dollars for each day subsequent to the third day of notification of violation, until in strict accord with this ordinance; said fines shall be inflicted and collected by the Recorder, justice of the peace or police magistrate of the district wherein any such violation has been committed, and it shall be the duty of the police authorities, the City Surveyor and Board of Health, to place all such violations before the recorders, justices of the peace or police magistrates aforesaid.

Penalty.
July, 1881.
A. S. 7203.

ART. 860. That no person shall sell or offer for sale in the city limits any article of food and sustenance, knowing the same to be adulterated, tainted, stale, or in a condition of decomposition or unfit for human food.

Adulterated
or tainted food.
June, 1880.
A. S. 6533.

ART. 861. That to prevent meat being sold in an unhealthy condition, no person or persons, or corporation, shall slaughter for human food and offer for sale in this city, until previously inspected, any cattle, hogs or sheep.

Inspection
of cattle. Ib.

ART. 862. That no person or persons, railways, steamships, steamboats, water and other craft, or common carriers, shall discharge or land at any of the depots, wharves or landings within the city any cattle, swine or sheep, forwarded through them or shipped on their account, when the same is known to be in a diseased condition.

Landing of
diseased cattle. Ib.

ART. 863. That any persons or corporation, violating any of the provisions of this ordinance, shall be fined for the first offence not less than fifteen dollars and imprisonment at the discretion of the Recorder not more than ten days, and for the second and subsequent offences not more than \$25, and imprisonment not over thirty days.

Penalty. Ib.

Dead animals
in the river.
Aug. 1866.
N. S. 235.

ART. 864. Any person who shall hereafter throw dead animals, carrion, ordure or other offensive or injurious matter into the river above the waterworks shall be subject to a fine of not less than ten nor more than one hundred dollars.

Stagnant
water.
Jan. 1867.
N. S. 427.

ART. 865. No person shall suffer stagnant water to remain on his premises, or in any lot owned by him; and any person who shall fail, after sixty days' notice, given to him by the Street Commissioner, to fill up his said lot or premises so as to cause the water to run off into the streets, and not on the adjacent lots, shall be fined in the sums hereinafter mentioned.

Filling lots
with manure,
etc.

Ib.

ART. 866. It shall be unlawful to fill up, or partly fill up, any lot with manure or other offensive or deleterious matter.

Penalty.

Ib.

ART. 867. Any person or persons committing any of the offences, or violating any of the provisions hereinbefore named, shall be fined not less than ten nor more than fifty dollars, and in default of the payment of the penalty, he shall be imprisoned not exceeding thirty days.

Hours of
closing.
Ord. No. 6527
A. S.
June 15, 1880.

ART. 868. That from and after the first day of May to the first day of October all stalls or stands where fresh crabs or shrimps are sold in various markets of this city be required to be closed by 10 o'clock A. M. each and every day.

Peddling pro-
hibited.
Ord. No. 4168
C. S.
Dec. 17, 1889.

ART. 869. That the selling of fresh fish, crabs or shrimps, by peddlers on the streets, be and is hereby prohibited and made unlawful.

Penalty.
Ord. No. 4952
C. S.
Dec. 16 1890.

ART. 870. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisonment in said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

ART. 871. That from and after the passage of this

resolution it will be unlawful for any person or persons to keep for sale in any close building occupied in part as a dwelling place, fish, fruit, vegetables or fowls; and it shall be the duty of the Commissioner of Police and Public Buildings to cause all such articles to be removed to a public or private market, by the owner or owners thereof, within twenty-four hours after notification served upon the keeper of any such establishment, by the said commissioner through his proper officer. Any person violating the provisions of this ordinance shall, upon conviction, be subject to a fine of not more than twenty-five dollars for each and every offence, and in default of payment, to imprisonment in the parish prison for a period of not over thirty days. Said fine or imprisonment to be enforced by any court of competent jurisdiction within the corporate limits of the city of New Orleans.

The use of any close building occupied in part as a dwelling place for the sale of fish, fruit, vegetables or fowls, prohibited.
Ord. No. 785,
C. S.
July 22, 1884.

Penalty.

ART. 872. That from and after the passage of this ordinance, it shall be unlawful to blow any veal or mutton, except by means of a bellows.

Blowing meat except with bellows unlawful.

ART. 873. That the blowing of any animal over (15) fifteen months old is hereby prohibited, as also the sale or offering for sale in any of the public or private markets the meat of any animal that at the time of slaughter was not four weeks old.

Blowing of any animal over fifteen months old, and sale of meat of any animal not four weeks old, prohibited.

ART. 874. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed, provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Ord. No. 421,
C. S.
Aug. 28, 1883.

Penalty.
Ord. No. 4969
C. S.
Dec. 16, 1890.

ART. 875. That no parent, tutor or custodian of any child or minor (having power and authority to prevent) shall permit any such child or minor to be unnecessarily exposed, or to needlessly expose any such minor or child to the taking or to the infection of any contagious disease.

Contagious diseases.
Parent, tutor, etc.
Ord. No. 2777
C. S.
Feb. 16, 1888.

Visiting persons with contagious disease prohibited

Ib.

ART. 876. (2) That no householder, whether the owner of the premises, or any part thereof, or possessor or occupant thereof, by lease or otherwise, shall allow or permit, contrary to the order of the Board of Health of the State of Louisiana, any person or persons to visit any person who may be sick or confined on said premises with any infectious or contagious disease, saving and excepting such person or persons as may be actually and absolutely necessary and essential to the proper care and attention of said sick person or persons.

Clothing, linen, etc.

Ib.

ART. 877. (3) That every householder occupying premises or any portion thereof, either as owner or possessor, or occupant, under lease or otherwise, shall obey and conform to all instructions and orders of the Board of Health of the State of Louisiana relative to the disposition of the clothing, linen, expectorations or defecations of persons confined on said premises with infectious or contagious diseases, as well as those relating to the treatment of the sick room and the sick-room utensils in which said person may have been confined with contagious or infectious disease; and it shall be the duty of the attending physician in each and every case to notify the said householder or person having charge of said room of said rules and regulations.

Public funerals prohibited.

ART. 878. (4) That there shall not be a public or church funeral of any person who has died of any contagious or infectious disease, but the funeral of such person shall be private; and it shall not be lawful to invite or permit at the funeral of any person who has died of any infectious or contagious or pestilential disease, or at any services connected therewith, any person whose presence is not absolutely and essentially necessary, or to whom there is danger of contagion thereby.

Owners and drivers of carriages.

Ib.

ART. 879. (5) That no owner, driver, agent or other person having, owning or being in charge of any carriage, cab, hack, cart, wagon or other conveyance or vehicle shall permit or allow the placing therein, or the carriage thereby of the corpse or dead body of any person or persons who have died of contagious, infectious or pestilential diseases, provided that this section shall not apply to hearses.

ART. 880. (6) That every principal, teacher or assistant teacher of any and every private or public school, on observing that any child or children, pupils of said school, present symptoms of any contagious, infectious, or pestilential disease, shall send said child or pupil to said pupil's or child's domicile and residence, with instructions to the parent or parents, tutor, guardian or other person in charge of said pupil, child or children, to have the said pupil or child, or pupils or children, examined by the family physician, and said instructions shall be in writing, and in no case shall said child or children, pupil or pupils, so sent home be allowed to attend said school thereafter until there shall be produced and filed with said principal, teacher or assistant teacher a certificate from a licensed physician that said child or children, pupil or pupils, are not suffering from any contagious, infectious or pestilential diseases.

Teachers, etc.
Ib.

ART. 881. That no principal, teacher or assistant teacher, shall permit or allow any child, children, pupil or pupils, to attend school from any house in which contagious, infectious or pestilential diseases may prevail at the time, or may have prevailed antecedent thereto, until such time as all danger of infection shall have passed.

Attending
schools.
Ib.

ART. 882. That the phrase and words "infectious, contagious or pestilential diseases," used in this ordinance, shall be held and construed to include and mean all such sickness, affections, or diseases or phases thereof of an infectious, contagious or pestilential nature (more especially, referring to cholera, yellow fever, small-pox, diphtheria, ship or typhus, spotted, relapsing and scarlet fevers), and also including any new disease of any infectious, contagious or pestilential nature, and also any other disease publicly declared by the Board of Health of the State of Louisiana dangerous to the public health, and of a contagious, infectious or pestilential nature or character.

Infectious,
contagious and
pestilential dis-
eases defined.
Ib.

ART. 883. (9) That no person shall retain, expose or allow to be retained or exposed, the dead body of any human being to the peril or prejudice of the life or health of any person.

Dead bodies.
Ib.

To be interred within 24 hours.

ART. 884. (10) That all dead bodies shall be interred within twenty-four hours after death during the summer, and thirty-six hours during the winter months, unless permission is obtained in special cases from the Board of Health to withhold them from burial for a longer period. In the case of death from a contagious or infectious disease, the Board of Health shall be empowered to require and enforce the earlier burial of the corpse.

Penalty.

ART. 885. (11) That any person or persons violating any provision of this ordinance, or failing to comply with any provision thereof, shall be fined a penalty of not more than twenty-five dollars for each and every offence, or in default of payment thereof shall be imprisoned in the parish prison not exceeding ten days, at the discretion of the Recorder before whom such case may be tried.

Product of dead animals.

Ord. No. 7241
A. S.
Aug., 1881.

ART. 886. That none of the products of rendering any carcass, specified in section 1 of this ordinance, shall be employed or utilized for purposes of human food, and that all grease and other products, except such as are manufactured as fertilizers, rendered or manufactured, or packed for use or transportation to or from market in the city of New Orleans or elsewhere, shall be branded on each and every package with a burning brand, as follows: "Product of Dead Animals, New Orleans." Any violation of the provisions of this section shall, *ipso facto*, cancel the license granted, as provided in section 2 of this ordinance, and operate as a forfeiture of the bond given as herein provided, the amount of such bond being hereby fixed as a penalty in the nature of liquidated damages to ensure compliance with the provisions of this section.

Proprietors of to cause removal of dead animals.

ART. 887. That it shall be the duty of each and every proprietor of any of the above named animals, or persons having such animals in his custody or under his control within three hours after the death of such animal, to cause the same to be removed to some licensed place of rendering, or within the same time to notify the nearest police sanitary officer of the whereabouts of said

carcass, and permit the same to be removed by the licensed person notified as provided in this ordinance, without delay or hindrance, on due application for that purpose by the licensee, his agents or servants.

ART. 888. That whoever shall violate the provisions of this ordinance, shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Penalty.
O d. No. 4973
C. S.
Dec. 16, 1890.

ART. 889. That any person or persons conveying or carrying in any manner, any dead animal or animals through the streets of this city, shall, and it is hereby made it their duty, to convey the same in vehicles or wagons suitable for the purpose, and covered so as to shut out from view all sight of the carcass of the dead animal or animals aforesaid; and any person or persons violating the provisions of this ordinance shall be punished by a fine of not less than five dollars nor more than twenty-five, or imprisonment in the parish prison or city workhouse for a period of not less than ten days nor more than thirty.

Removal of
dead animals.
Ord. No. 9917
C. S.
Oct. 30, 1894.

Penalty.

ART. 890. This ordinance shall take effect thirty days from and after its passage.

Take effect.
Ib.

ART. 891. The Coroner or Coroners, or his or their deputies, masters of any water-craft, boarding or lodging-house keepers, principals or masters of any boarding school or seminary, and all practitioners of medicine, surgeons, obstetricians or physicians, apothecaries, chemists, druggists, midwives and all persons who use or pretend to use medical, obstetrical or surgical means for the treatment of disease, disorder or lesion, are hereby required, each, any, or all of them, as the case may be, to report to the Board of Health of the State of Louisiana all cases of contagious, infectious, epidemiological diseases, especially cholera, yellow fever,

Coroners and
medical prac-
titioners to re-
port.
A. S. 4916.
Feb., 1879.
N. S. 235.
August, 1866.

trichiniasis, typhus or ship fever, small-pox, diphtheria or any of the grade of such diseases, or any others that may be specified by the Board of Health, or may be generally adjudged contagious or infectious, within twenty-four hours after the same may come under their treatment, cognizance or supervision. And the penalty for offending against this section, or any portion thereof, shall not be less than twenty-five dollars for each and every offence, and in default of payment thereof, the offender shall suffer imprisonment not to exceed thirty days.

To prevent
the spread of
contagious dis-
eases by chil-
dren.

Ord. No. 85,
C. S.
Jan. 23, 1883.

Penalty.

ART. 892. That any parent, guardian, tutor or other person having charge or control of any child or children, who shall allow or permit any such child or children to go from any house or building infected with typhoid, scarlet or yellow fever, diphtheria, cholera, small-pox or other contagious or infectious disease, to attend any public or private school or any place of amusement, or to travel in any street car or public vehicle, shall be punished by a fine of five dollars, or in default of payment thereof, by five days' imprisonment in the parish prison, on conviction thereof before any Recorder or public magistrate.

Diseases to
be reported; by
whom.

Ord. No. 6022
A. S.
June, 1879.

ART. 893. All practitioners of medicine, masters of any water-craft, hotel, boarding or lodging house keepers, principals or masters of any public school, the chief officers or persons in charge of any public institution of charity or of punishment, and heads of families are hereby required to report, within twenty-four hours, to the office of the Board of Health, all cases within their cognizance of Asiatic cholera, leprosy, yellow fever, typhus or ship fever, diphtheria, malignant scarlet fever, small-pox, varioloid, trichiniasis, or any other case that may at any time be specified by the Board of Health.

Parents to
notify principals
of schools.

Ib.

ART. 894. Parents shall inform principals of schools attended by their children, of any contagious diseases occurring in their families.

ART. 895. All animals sick with any contagious or infectious disease shall be removed at once beyond the

limits of the city of New Orleans by the person or persons owning or having charge of said animals, and in default of such action said animals may be removed by the Board of Health at the expense of such person or persons.

ART. 896. That no person or persons shall bring into or within the limits of the city of New Orleans any animal sick with glanders. It is made the duty of the officers of the police force, and also of all owners or persons in charge of animals, including veterinary surgeons, to promptly report to the Board of Health any case or cases coming to their knowledge of animals sick with glanders, as also every case which may be regarded as suspicious or exhibiting symptoms of said disease.

Animals sick
with conta-
gious diseases;
removal of.
Ib.

ART. 897. That whenever any animal is pronounced glandered by the veterinary surgeon of the Board of Health or by any other graduated and reputable veterinary surgeon, the Board of Health shall order the killing of such animal and the disposition of the carcass in such a manner as said Board of Health may deem safest. All animals suspected of glanders shall be isolated at owner's expense in such manner as the Board of Health may designate, until the true condition of the animal is established. Any owner of any animal having cause to suspect the same to be glandered, or any veterinary surgeon treating any animal so suspected, who shall fail to report immediately such suspected case to the Board of Health, shall for each such neglect or failure to thus report, be fined in a sum not exceeding twenty-five dollars, or imprisoned not exceeding thirty days; and any owner not submitting any animal suspected of being glandered to investigation and proper inspection by the veterinary surgeon of the Board of Health for ascertainment of its condition, or not isolating a suspected animal as the Board of Health may direct, or removing or killing or disposing of any glandered or suspected animal in a manner contrary to the directions and intendments of this ordinance, shall for each offence be fined not more than twenty-five dollars or imprisoned not more than thirty days.

Animals with
glanders.
Ord. No. 7741
C. S.
June 27, 1893.

Duty of Po-
lice.

To be killed.
Ib.

Penalty.



Repealing clause. ART. 898. All ordinances in conflict with this ordinance, and all upon the same subject matter, are hereby repealed.

Care and treatment of infectious diseases. ART. 899. That the Mayor, President of the Board of Health and Chairman of the Committee on Public Health be authorized to make the necessary arrangements for the care and treatment of such cases as it is the duty of the city to provide for, and until other provision can be regularly made for the maintenance of same.

Removal of persons to hospitals. ART. 900. The Board of Health may remove or cause to be removed to hospital or other place of treatment any person or persons suffering from small-pox whenever such removal shall, in the discretion of said board, be deemed necessary for the proper treatment of such person or persons for the prevention or spread of said disease.

Expenses. ART. 901. That the expenses incurred in the necessary performance of any of the duties named in this ordinance shall, after the approval by the Board of Health, be borne by the city of New Orleans; provided, that no contract fixing the price for the future keeping, maintenance and attendance upon small-pox patients shall be valid without the previous approval of the Administrator of Police and the Mayor.

Board of Health to circumscribe contagious and infectious disease. ART. 902. That the Board of Health may, at its discretion, regulate or prevent access to or egress from, or cause to be vacated any infected building, water-craft, place or locality, or cause to be fumigated or otherwise disinfected any infected building or water-craft whenever, in the opinion of said board, such action shall be deemed necessary to prevent the spread of any dangerous and infectious disease.

Right to disinfect clothing. ART. 903. (2) That the Board of Health may disinfect any infected clothing, bedding or other substances whatever, if in the discretion of said board such action shall be deemed necessary to prevent the spread of the disease.

SMALL-POX—See *Hospitals*—See *Offences*.

CONSTITUTION OF STATE.

ART. 170. The regulation of the sale of alcoholic or spirituous liquors is declared a police regulation, and the General Assembly may enact laws regulating their sale and use.

ART. 178. The General Assembly shall provide for the interest of State medicine in all its departments, for the protection of the people from unqualified practitioners of medicine, for protecting confidential communications made to medical men by their patients while under professional treatment and for the purpose of such treatment; for the establishment and maintenance of a State Board of Health.

BOARD OF HEALTH.

ART. 904. (1) That the Board of Health of the State of Louisiana shall hereafter consist of nine members, four of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and five of whom shall be elected by the Council of the city of New Orleans. They shall hold their office for four years, unless sooner removed for cause. The members first appointed shall be so designated that the term of two of those appointed by the Governor and two of those elected by the Council of New Orleans shall expire in two years from the fifteenth of March, 1877, and the time of the two others appointed by the Governor and the three others elected by the Council shall expire in four years from said date. At least one of the members of said board appointed by the Governor and two of the members elected by the said Council shall be regularly licensed physicians, resident in New Orleans. And thereupon the Governor shall issue to each of them a commission for his respective term of office. At any meeting of said board five members shall constitute a quorum for the transaction of business.

Organization
and powers of
Board.
Act 80, 1877.

Quorum.

ART. 905. (2) That the said board shall proceed to organization at its first meeting in the month of April of each alternate year, by electing one of its own number to be president, and a suitable person to be secretary and treasurer, whose powers and duties shall be those now prescribed by law for said officers, and such other powers and duties as may be herein devolved upon them. The

Election of
president and
secretary.

president of said board shall receive an annual salary not exceeding the sum of twenty-four hundred dollars, and the secretary and treasurer shall receive an annual salary not exceeding the sum of two thousand dollars, to be paid out of the funds of or appropriations to said board. No other member of said board shall receive any pay or compensation whatever.

Amended by Act 68 of 1886.

Rules and
regulations.

ART. 906. (3) That said board shall have power and authority to make all needful rules, regulations and ordinances upon the subject of vaccination within the parish of Orleans; provided, that nothing in this act shall be construed to render vaccination in any case compulsory; the said board shall encourage vaccination, and shall furnish pure and fresh vaccine matter to the district sanitary inspectors and city physicians for the purpose of gratuitous vaccination, and the furnishing of such vaccine matter shall be paid by the said Board of Health.

Protection of
public health.

ART. 907. That the said board shall have power and authority, on the concurrence of the City Council, to provide for, protect and preserve, by adequate means, the health and salubrity of the city of New Orleans, and, in the exercise of such power and authority, may, with the assent of the City Council, incur such necessary and reasonable expense as occasion may warrant, which expense shall be paid by the city of New Orleans, after approval of the same by said board, out of the budget appropriation as hereinafter provided; and no expense beyond such budget may or shall be incurred chargeable upon the city of New Orleans. It shall hereafter be the duty of said board to forward to the Mayor and City Council annually, and in time to be included in the budget of expenses of the city of New Orleans, an estimate of the probable sum required to meet the expenses aforesaid for the ensuing year, and other expenses provided for in this act, to be paid by the city of New Orleans, and said estimate shall include the salaries of the Sanitary Inspectors appointed under existing laws for the different districts of said city as well

as the reasonable expenses of said Sanitary Inspectors for rent of office and stationery for their official duties, and the said board shall also, at the same time, make to the City Council a detailed statement, verified by the oath of the President and Secretary thereof, of all fees, fines, forfeitures and sums of money which have been received by the said board during the past year, as well as an estimate of the probable receipts for the ensuing year; and it shall be the duty of the Mayor and Council of the city of New Orleans, after considering such report and estimate, to make such appropriation as may be by them deemed necessary for the expenses of said board, and place it in the annual budget of expenditures. And should the fees, fines, forfeitures and sums of money which have been received by the said board under the provisions of this act, during the year, exceed the expenses of said board, the said excess shall be paid to the Administrator of Finance of the city of New Orleans.

ART. 908. (5) That the Board of Health, through its president or other proper officer, shall have power and authority to call upon the police authorities for necessary aid and assistance, in enforcing any of the authority or powers conferred upon it by this act, as well as enforcing any of its orders, rules and regulations.

Enforcement
of laws. Ib.

ART. 909. And it shall be the duty of the police authorities to render to the Board of Health such necessary aid and assistance, when so called upon, by the use of the police force, as may effectually accomplish the intentions of this act and of the orders, regulations and ordinances of said board.

Duty of Police.
Ib.

ART. 910. (7) That the said board shall have power and authority to establish quarantine stations upon any of the approaches to the city of New Orleans whenever, in its discretion, such stations may be rendered necessary to protect the health of the city of New Orleans or the State, and to make all needful rules and regulations with reference to the management and police of such stations. It shall regulate the duties and obligations of masters of vessels or other persons there arriving, and

Quarantine
regulations.
Act 80, 1877.

any master of a vessel or other person who shall violate any of the rules, ordinances or regulations of said board made with reference to the management or police of such stations, or to vessels or other means of conveyance or transportation at or arriving at such stations, or shall evade or refuse visitation of the proper health or quarantine officer, or shall refuse to allow such quarantine officer to inspect, disinfect or fumigate such vessel or other means of conveyance or transportation, shall be liable to said board in a sum not exceeding five hundred dollars for each and every offence, to be recovered by civil suit wherever such offender, vessel or means of conveyance may be found, and said board shall have lien and privilege for the payment of said liability on such vessel or other means of conveyance or transportation, to be conserved by writ of provisional seizure, in which case bond shall be given in amount to be determined by the judge issuing the writ, and the release bond shall be for an amount not exceeding six hundred dollars. All quarantine physicians and other officers and employees for quarantine stations, both for those now existing or that may be established hereafter, excepting the Mississippi quarantine station, shall be appointed and their salaries fixed by said board.

BIRTHS, DEATHS AND MARRIAGES.

Recorder *ex*
officio.
Act 80, 1877.

ART.. 911. (8) That the president of said board be *ex-officio* Recorder of Births, Deaths and Marriages for the parish of Orleans, but shall as such be under the general direction and control of said board. All fees collected by him shall be paid into and be a part of the funds of said board. Said board shall prescribe such blanks and forms as it may deem necessary for procuring vital statistics in said parish and enforce the use of the same; and the president of said board shall cause to be prepared and shall keep suitable books of record for said office, which shall be carefully preserved in fire-proof buildings or vaults.

Amended by Act No. 141 of 1890, authorizing appointing of deputies, etc.

ART. 912. (9) That it shall be the duty of attending physician or midwife at the birth of any child in the parish of Orleans to report the same to the office of the Board of Health within twenty-four hours of the same; and it shall be the duty of the father, or in his default, of any person present at the birth of any child to report within twenty-four hours from the date of said birth at the office of the Board of Health such birth, which report shall be recorded in presence of two witnesses, and shall, as nearly as possible, show the date, hour, street and number thereof of such birth, the sex of the child and its name, the names of the father and mother, their nationality, age, occupation and residence, and the name of said witness.

ART. 913. (10) That every death in the parish of Orleans shall be reported at said office within twenty-four hours after it has occurred; such report shall be made by the nearest relative, or the husband or wife of the deceased, if present in the parish; otherwise by the executor, if designated, or landlord of the deceased, or the officiating undertaker. It shall be the duty of coroners to report all deaths coming to their official notice, and of the president, manager or superintendent of any State, parish, municipal, charitable or benevolent institutions; said report shall contain, as far as possible, the full name, sex, age, occupation, residence, color, or race and nativity of the deceased, the cause of the death, the street and number where it occurred; shall show whether the deceased was married or unmarried, the name of surviving spouse, if any, and where residing; also the name, age and residence of the declarant, and his relationship, if any, to the deceased, and such other particulars as may be required by said board. No body shall be removed from said parish until a permit shall have been obtained from the president of said board, under his official seal, showing that the requirements of this section have been complied with.

ART. 914. (11) That every marriage celebrated in the parish of Orleans shall be recorded in said office; such record shall show the full names of the contracting parties,

Duty of physicians and midwives.

Deaths to be reported. Ib.

Marriage record. Ib.

their age, nativity, date of license of marriage, and by whom issued, the names of the parents or tutors of the contracting parties, the name of the officer, priest or ecclesiastic celebrating the marriage, with the date of its celebration and the names of the witnesses thereto, and any such facts as the board may judge necessary for vital statistics. It shall be the duty of the officer, priest or ecclesiastic celebrating any marriage to return the license authorizing such marriage to said office after having endorsed on such license the date of such celebration; these licenses so returned shall be preserved among the papers of said board.

Certificate of marriage.

ART. 915. (12) That it shall be the duty of
 Ib. the president of said board to cause the registry of any marriage celebrated prior to the passage of this act, on production of a certificate duly attested of the celebration of such marriage; and, in case of loss of such original certificate, such registry shall be made on the production of the affidavits of the contracting parties, and at least one of the witnesses present, or of the officer, priest or ecclesiastic celebrating such marriage, and a certified copy of such registry shall be *prima facie* evidence of such marriage.

Fees.

ART. 916. (13) That there shall be collected for the
 Ib. recording, under this act, of any birth or death, the sum of fifty cents, and like fee for any certificate of such record, and for recording any marriage the sum of one dollar, and like fee for certificate of the recording of the same.

Repealing clause.

ART. 917. (14) That this act shall not be construed so
 Ib. as to deprive the Board of Health of any powers or authority it has under existing laws, and that all acts and parts of acts in conflict with this act are hereby repealed.

See Acts 69, 82 and 85 of 1892; 98 of 1884; 23 and 68 of 1886 relative to Board of Health.

ACT NO. 20 OF 1880.

To Prevent the Adulteration of Articles Used as Food; to Prevent the Sale of Unwholesome and Tainted Provisions, the Slaughtering of Cattle, etc., for Food, When in an Unhealthy Condition, and to Prevent the Landing of Diseased Animals Within Certain Prescribed Limits.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That it shall be unlawful for any person or persons to adulterate, to sell or offer for sale in the State of Louisiana, any article of food and sustenance, knowing the same to be adulterated.

SEC. 2. *Be it further enacted, etc.*, That it shall be unlawful for any person or persons to sell or offer for sale any tainted provisions or stale vegetables, or other articles of food, the same being in a condition of decomposition or unfit for food.

SEC. 3. *Be it further enacted, etc.*, That it shall be unlawful for any person or persons to slaughter for food and offer for sale any cattle, hogs or sheep, the same being in an unhealthy condition.

SEC. 4. *Be it further enacted, etc.*, That it shall be unlawful for any person or persons, railways, steamships, steamboats, water or other craft to discharge at any of the depots, wharves or landings within the city of New Orleans or any city within the State of Louisiana, or less than two (2) miles distant therefrom, any cattle, swine or sheep forwarded through them or shipped on their own account when the same is known to be in a diseased condition.

SEC. 5. *Be it further enacted, etc.*, That any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and for the first offence shall be punished by a fine of twenty-five dollars (\$25) or three (3) months' imprisonment, and for a second or subsequent offence shall be punished with a fine of fifty dollars (\$50), or not less than six (6) months' imprisonment, or both, at the discretion of the court.

SEC. 6. *Be it further enacted, etc.*, That the Secretary of State, immediately upon the passage of this act, shall notify all sheriffs, chiefs of police and other executive officers throughout the State to take cognizance thereof and enforce its provisions.

SEC. 7. *Be it further enacted, etc.* That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

HOSPITALS.

ART. 918. That on and after the passage of this ordinance it shall be unlawful for any person, persons or corporation to set up, establish or operate a hospital, sanitarium or any institution of a kindred character

Permission
from Council,
O. d. No 9594,
C. S.
Aug. 23, 1894.

without first having obtained permission from the City Council, and any person, persons or corporation violating the provisions of this ordinance shall be fined not more than ten dollars or less than five dollars for each and every day that said hospital, sanitarium, etc., shall be operated without complying with the provisions of this ordinance, said fine to be recoverable before any court of competent jurisdiction.

ACTS OF THE LEGISLATURE.

AN ACT

To provide for the administration of the Charity Hospital at New Orleans, and to provide a revenue for its support.

Eight Administrators to be appointed annually by the Governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That within twenty days after the meeting of the General Assembly each year the Governor shall nominate, and, with the advice and consent of the Senate, appoint eight administrators of the Charity Hospital at New Orleans, who, together with the Governor of the State, shall compose the Board of Administrators. The Governor shall be in perpetuity the president of the board. They shall, at their first meeting, elect a vice president, who shall perform the duties of president in his absence. A quorum for the transaction of business shall be four Administrators, who shall have power to elect, in the absence of the president and vice president, a president *pro tem*. They shall assemble on the first Monday of each month, and oftener if the president thinks fit, or business requires it.

The Governor to be president of the board.
Vice president.

When they shall meet.

Amended by Act 145 of 1890, page 186.

Powers of Board.

SEC. 2. That they shall have full power and authority to manage and administer the hospital; to repair and improve its property, of whatever nature it may be; to rent and lease the same, and to enter into any kind of contracts (sales of real estate excepted); to accept in behalf of the hospital all donations and legacies, also to sue and implead and to be impleaded in all affairs and actions whatever before any of the courts of the State.

Powers and duties of Board.

SEC. 3. They shall have the power to order, establish, alter and put into execution all by-laws and ordinances which they think best suited to the interest and better regulation of the hospital, if such by-laws and ordinances be not contrary to the laws of the State, to the Constitution of the United States, or to the police ordinances of the corporation of New Orleans; and to appoint the several persons they may judge necessary for the service of the hospital. At each monthly meeting they shall designate two of their own members, whose duty it shall be, either

jointly or separately, to visit the hospital at least twice in every week, to inspect the service of the same, and enforce the execution of the regulations; on all which they shall make their report to the board.

SEC. 4. That they shall appoint a treasurer, to be continued at their own will, who, before he enters upon the functions of his office, shall give a bond and security to the satisfaction of the Board of Administrators.

Treasurer, his bond.

SEC. 5. That it shall be the duty of the Treasurer to recover all sums due to the hospital; to keep a correct statement of its property, claims and revenues, and to make all necessary payments authorized by the board, and not otherwise, and finally to return every year to the board a minute account of his receipts and expenditures, which, after being carefully examined by a special committee, shall, if found just and correct, be approved by the board.

Duties of Treasurer.

SEC. 6. That the board shall have power to declare the seat of any member vacant who shall absent himself from three successive monthly meetings, without leave, and to fill all vacancies that may occur in the board.

Power in certain cases to vacate seat of absent members.

Power to fill vacancies.

SEC. 7. That the administrators, shall, within the first ten days after the annual meeting of the General Assembly, make a report to each branch thereof, which report shall contain a faithful account of the receipts and disbursements of the institution, and a faithful statement of all property, both real and personal, owned and claimed by the Charity Hospital.

Annual report of the Board.

SEC. 8. That a register, containing the family and christian names of each and every patient who shall have been admitted into the hospital, also his last place of residence, if known, the disorder with which he may have been afflicted, the time of his death or discharge, and whether cured or not, shall be kept by the clerk of the establishment under the superintendence of the administrators; and it shall be their duty to annex to their annual report to the General Assembly a tableau extracted from this register, exhibiting the nature of the diseases attended to in the hospital during the preceding year, the number of patients admitted, the number of persons dead, cured, or gone out of the hospital for any other cause, the number of those born in the same country, and the number remaining at the end of the year.

Register to be kept by the clerk.

Tableau to be annexed to their annual report.

SEC. 9. That all money coming to the hospital shall be exclusively appropriated to the use of the patients; but the administrators may from time to time make such changes in or additions to the hospital as they may deem expedient, whenever the revenues may permit the same to be done.

Money coming to the Hospital; how appropriated.

Section 10 is amended as follows: (By act of 1857, p. 199, No. 205).

That section 10 of the act of the Legislature of Louisiana, entitled "An act to provide for the administration of the Charity

Tax on balls and concerts, theatres and circuses for benefit of the Charity Hospital.

Duty of the Mayor of the city of New Orleans.

Performance for the benefit of the Hospital.

Report to be made by commanders of vessels.

Bond to be given by certain persons.

Hospital at New Orleans, and to provide a revenue for its support," approved March 14, 1855, be and the same is hereby amended and re-enacted so as to read as follows: "*Be it enacted, etc.*, That for every public ball or concert the sum of ten dollars shall be paid to the treasurer of the hospital, and annually for each theatre, one hundred dollars; for each circus, one hundred and fifty dollars; for every menagerie, fifty dollars; for every show, twenty-five dollars. And it shall be the duty of the Mayor of the city of New Orleans, in authorizing any of these exhibitions, previously to require the receipt of the treasurer of the hospital for the payment of the said sums respectively, and in case he should issue any license without such receipt, the city of New Orleans shall be liable therefor; and every manager or lessee of such theatre shall, annually, in addition to the sum of one hundred dollars, give, at such time as the treasurer of the hospital may designate, giving one month's notice to such manager or lessee, a theatrical performance for the benefit of the hospital, and the receipts of such performance, deducting the necessary expenses, shall be paid over to the treasurer of the hospital; and in default of a compliance with the provisions of this section, the said manager or lessee shall be fined in a sum of five hundred dollars, for the benefit of the hospital, recoverable before any court of competent jurisdiction by the treasurer thereof.

SEC. 11. That within twenty-four hours after the arrival of any vessel at its place of destination from any foreign port, the commanding officer, or any other officer of such vessel, shall make, under oath, a written report to any resident hospital commissioner, which shall state the name of such vessel, its owners, officers and consignees, the place where its voyage began, and the name, nation or birthplace, race or color, age, occupation, place of first embarkation, and place and time of debarkation in this State, of every person or passenger, not of the crew proper, and not a citizen of the United States, who shall have landed from such vessel within this State. He shall report in like manner whether or not any officer of such vessel has collected from any person or passenger not a citizen of the United States, any commutation money, as hereinafter allowed to be paid; and if so, from and by whom, and to what amount.

SEC. 12. That every person not a citizen of the United States and above the age of ten years, arriving and landing at any place within the limits of the State of Louisiana, from any foreign port, shall in like manner report himself to any resident hospital commissioner. and when they are above the age of majority, or by their parents or guardians, when under the age of majority, shall give bond in the sum of one thousand dollars, with one or more joint and several solvent sureties, resident in the parish where such person may have landed, conditioned that the principal in such bond shall not, at any time within five years.

from the date thereof, become, from any cause, chargeable in any manner to the State, to its citizens, or to any charitable institution within its limits, unless such institution be voluntarily supported by foreigners or citizens of foreign birth. And every person who shall refuse or wilfully neglect, for twenty-four hours after his arrival and landing, to make report and give bond as by this section required, shall incur a penalty of fifty dollars. Persons arriving and landing in the parishes of Plaquemines, St. Bernard, Orleans or Jefferson, shall report themselves in New Orleans, and furnish bond with surety resident in the city of New Orleans.

Penalty for not giving said bond.

SEC. 13. That it shall be lawful for any person referred to in the foregoing section, who may be unable or unwilling to furnish bonds as required, to commute therefor, by paying within twenty-four hours after his arrival the sum of two dollars and fifty cents.

Commutation for said bond.

SEC. 14. That the commutation payments allowed by the foregoing section may be lawfully made to any hospital commissioner, or to the clerk or commanding officer of the vessel on which the person making such payment arrives. And every such commanding or other officer shall on the arrival of their vessel, or on his own arrival, forthwith pay over to any hospital commissioner the sums so received or collected, less a commission of five per cent., which he shall be entitled to retain for his trouble.

Said commutation payments to whom made.

SEC. 15. That all bonds taken or reports received by any commissioner, as aforesaid, shall have the force and authenticity of notarial acts, as against the signers thereof; and every person not a citizen of the United States, claiming to be exempt from making a report or giving bond, shall be held to prove his exemption.

Effect of bonds taken as above.

SEC. 16. That it shall be the duty of the board of administration to appoint one or more commissioners, removable at will, to be styled hospital commissioners, who shall have power, in the name and for the use of the hospital, to sue for and recover, collect, receive and receipt for, all commutation money, bonds, fines, forfeitures and penalties; the commissioners shall each furnish bond satisfactory to the president and administrators at the hospital, for the faithful performance of their duties. They may also, with the consent and approbation of the president and administrators, appoint deputies, for whose acts they shall be responsible, who shall be vested with the same powers and duties as themselves. The commissioners and deputies shall perform such other duties as may be imposed on them by the board; they are all vested with the power of boarding all vessels and examining their log books and other documents, and with all other powers reasonable and necessary for properly enforcing the same in all its parts, they being responsible for the abuse of their powers; they also shall have authority to compound for penalties, fines and forfeitures incurred so long as judgment has not

Hospital Commissioners, their appointment, duties and powers.

been rendered for the same, subject always to the control of the board.

Bonds, fines
and forfeitures
to be paid to
Hospital, and
how applied.

SEC. 17. *Be it further enacted, etc.*, That all bonds, fines, forfeitures and penalties shall be paid to and belong to the Charity Hospital, and be applied to the medical and surgical relief of the sick and destitute.

Penalties for
certain offences

SEC. 18. *Be it further enacted, etc.*, That any persons opposing or obstructing in any manner the commissioners or their deputies in the exercise or performance of their official duties shall incur a penalty of not less than twenty-five dollars nor more than three hundred dollars. Any person collecting commutation or other money on behalf of the Charity Hospital, or belonging to it, and concealing the fact, or not paying the same over to the proper commissioner or agent, on demand, shall incur a penalty of not less than one hundred dollars nor more than one thousand dollars. Any commanding or other officer on any vessel refusing and unreasonably neglecting to report shall incur a penalty of not less than fifty nor more than five hundred dollars.

Certain laws
repealed.

SEC. 19. *Be it further enacted, etc.*, That all laws contrary to the provisions of this act, and all laws upon the same subject matter except what is contained in the Civil Code and Code of Practice, be repealed. Act approved March 14, 1855, p. 203. No. 155.

Act of 1861, page 97, No. 127: see also 1859, No. 215, p. 170; 1861, No. 264, p. 202.

DECISIONS OF SUPREME COURT.

The statute of March 12, 1838, Sec. 4, making it the duty of the Mayor of New Orleans, before authorizing exhibitions in any theatre, to require from the manager the production annually of a receipt from the treasurer of the Charity Hospital, showing the payment by the manager of the sum of five hundred dollars for the use of the hospital, is not unconstitutional. The exaction of a price for the license so granted is not, in its proper legal sense, a tax.—2 An. 550; 5 An. 380.

The Council may grant permission to one or more individuals to erect a hospital within the city.—9 R. R. 411.

The Common Council may abate private hospitals when they become nuisances.—5 N. S. 409.

The tax created by the statute of March 27, 1843, providing a fund for the support of the Charity Hospital of New Orleans, being imposed exclusively on the passengers and not on the officers and crew of a vessel, can not be regarded as a regulation of commerce, and is therefore not a violation of the United States Constitution, (Art. 1, Sec. 82); nor are its provisions inconsistent with any act of Congress regulating commerce, or prohibited by the act of Congress of April 8, 1812, that act having no further

application since the admission of Louisiana into the Union.—7 R. R. 210.—(But see 7, Howard, 283. U. S. Supreme Court Reports.)

Ord. No. 2477, C. S., providing for a complete incandescent electric light plant for Charity Hospital, repealed by Ord. No. 3231, C. S., October 2, 1888.

SMALL-POX HOSPITAL.

ART. 919. That the Comptroller be and he is hereby directed to advertise according to law for sealed proposals for the erection and maintenance of a small-pox hospital within the city limits, for a period of five years from date of signing of contract in accordance with plans and specifications adopted by the City Council and on file in the office of the City Comptroller.

Advertising
for proposals.
Ord. No. 10,429,
C. S.
March 12, 1895

ART. 920. That the following plans and specifications for the erection and maintenance of a small-pox hospital within the city limits be and the same are hereby adopted:

Plans and
specifications.
Ord. No. 10,430,
C. S.
March 12, 1895.

1. The contractor shall be a physician of this city of at least five years' standing, and be a graduate of a regular medical school.

Physician,
5 years' stand-
ing.
Ib.

2. He shall specify the location of the proposed hospital, as also its capacity and the number of buildings thereof, as well as apartments and employees.

Location.
Ib.

3. He shall agree, in case so desired, to remove said hospital, at his own expense, to any locality within city limits, which may hereafter be recommended by the Council's Committee on Public Health at any time in the future.

Removal.
Ib.

4. He shall bind himself to maintain said small-pox hospital for a period of five years from date of signing of the contract on the terms and conditions specified in the contract.

Contract for
five years.
Ib.

ART. 921. That the bid of Dr. J. C. Beard for the care and treatment of small-pox patients in accordance with specifications approved by the Council be and the same is hereby accepted, and that the Mayor be and he is hereby directed and authorized to enter into notarial contract with the said Dr. J. C. Beard in accordance therewith, as per his bid of April 1, 1895, as follows:

Accepting bid
of Dr. J. C.
Beard.
Ord. No. 10,569,
C. S.
April 9, 1895.

For the treatment and care of small-pox patients up to and including the number of fifty patients in any one year, \$3000 per annum, payable in monthly instalments; and twenty-five dollars for each patient in excess of fifty in any one year, provided that the hospital as at present located shall be removed within ninety days after the signing of the contract, to such a locality as may be recommended by the Committee on Public Health of the City Council.

LEPROSY.

ACT NO. 80 OF 1894.

To provide for the appointment of a Board of Control for the Leper Home, and to provide for the care and treatment of persons so afflicted with Leprosy.

Board of Control of Leper Home constituted.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That a Board of Control for the Leper Home, consisting of seven members, to be appointed by the Governor of the State, by and with the advice and consent of the Senate; whose duty it shall be to provide for the proper care, treatment and maintenance of all persons in the State of Louisiana who are now or may hereafter be afflicted with leprosy, and for that purpose they shall be authorized to arrange for a contract with any responsible physician skilled in care and treatment of such disease for the care, treatment and maintenance of all such persons so afflicted; that said board shall have power to remove for cause said contracting physician, and annul his contract, and to enter into a new contract with any other physician in accordance with Act No. 85 of the session of 1892.

Appropriation therefor.

SEC. 2. *Be it further enacted, etc.*, That the sum of five thousand dollars be and the same is hereby set apart for the purposes of repairing or constructing and improving such buildings as may be necessary for the purposes of said institute.

SEC. 3. *Be it further enacted, etc.*, That the sum of ten thousand dollars per annum be and the same is hereby appropriated for the purpose aforesaid, and the Auditor is hereby authorized to warrant monthly for the said amounts on the order of the President of said board, countersigned by the Secretary of same.

Board to meet and organize.

SEC. 4. *Be it further enacted, etc.*, That as soon as practicable after the appointment of said board, they shall meet and organize by electing a President and Secretary, whose duties shall be prescribed by said board. All vacancies, whether by death, resignation or otherwise, on said board, shall be filled by the Governor.

SEC. 5. *Be it further enacted, etc.*, That the amount of appropriation provided for herein shall take effect and be available

from and after the organization and appointment of said board, and whose salaries shall be fixed by said board and after the election of said physician having been certified to by the Secretary of State.

Appropriation,
when avail-
able.

SEC. 6. *Be it further enacted, etc.,* That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

ACT NO. 85 OF 1892.

To prevent the spread of leprosy and to provide for the treatment of same and for isolation of persons afflicted with said disease and penalties for non-compliance with the provisions of this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That whereas the disease known as leprosy, which is contaminating and dangerous to the public health and welfare, exists in this State, and that persons afflicted with said disease are permitted to be at large, thus endangering public health.

SEC. 2. *Be it further enacted, etc.,* That all persons afflicted or suffering with said disease of leprosy shall be confined in an institution isolated and used for the treatment of said disease, and it shall be a misdemeanor for any one to harbor a leper or lepers, and the penalty to be imposed upon any one harboring said leper or lepers and refusing to commit them to the care of said institution shall, on conviction before any committing magistrate in this State, be subject to a fine of not less than five dollars nor more than \$25 or imprisonment for a term not exceeding thirty days; said fine shall go to the support of said institution, and said party so found to be a leper shall be committed to said institution. That whenever it shall be made known to the judge of the District Court, by the petition and oath of any individual, that any person afflicted with leprosy within his district ought to be sent to or confined in said institution, it shall be the duty of said judge to issue a warrant to bring before him in chamber said person so afflicted with leprosy, and after proper inquiry into all the facts and circumstances of the case if, in his opinion, he ought to be sent or confined in said institution, he shall make out his warrant to the sheriff of the parish, commanding him to convey said leper to said institution; for which duty the sheriff shall have the right to demand the same fees as are now allowed by law for the conveyance of insane persons to the State Insane Asylum, which shall be paid out of the parish treasury upon the order of the district judge, and likewise all other expenses previously incurred in bringing said person before the district judge.

Providing for
the confine-
ment of lepers
to prevent con-
tagion; penalty
for the viola-
tion thereof.

Duty of the
Judge of the
District Court.

Duty and com-
pensation of
the Sheriff.

SEC. 3. *Be it further enacted, etc.,* That the buildings and institution situated in the city of New Orleans in this State, now used or that may hereafter be selected or directed to be used for the care of and treatment of leprosy, under a contract with the

Buildings and
institute for
lepers.

city of New Orleans, by virtue of an ordinance, No. 5785, passed and adopted on the thirty-first day of March, 1891, shall be the institution to which lepers shall be sent and committed under the penalties provided for in section 2 of this act.

HOUSE OF REFUGE.

Mayor to ap- ART. 922. That immediately upon the passage of this
point Board.
Ord. No. 2272 ordinance the Mayor of the city of New Orleans shall
C. S.
May 10, 1887. appoint, by and with the consent and advice of the City
Council, seven citizens of New Orleans, who shall
constitute a Board of Commission for the manage-
ment of the Boys' House of Refuge; which shall be
known as the Board of Commissioners of the Boys'
House of Refuge; that the said commissioners shall
hold their office for four years, or until their successors
shall have been elected.

Organization. ART. 923. The said Board of Commissioners shall, at
Ib. their first meeting, elect one of their own members to
be President of the board, prescribe his duties and adopt
rules and regulations for their own government.

Ru'es and ART. 924. The Board of Commissioners shall have the
regulations. Ib. management of said House of Refuge, prescribe the
kind and amount of labor to be performed by the in-
mates, make rules and regulations for their instruction,
improvement and government, and perform all other
acts they may deem necessary and proper for the im-
provement, or to carry into complete effect the objects
contemplated by the laws of the State, relative to houses
of refuge for delinquent and juvenile vagrants. Pro-
vided, however, that they shall not make any agreement
or contract for the payment of moneys, except for the
ordinary supplies and expenses of said House of Refuge,
or for materials or tools for manufacturing or agricult-
ural purposes in said institution.

Report, ART. 925. (4) The said Commissioners shall report
Ib. quarterly to the Council the condition of said House of
Refuge, accompanied by such information and sugges-
tions in relation to the same as may be deemed ex-
pedient.

ART. 926. (5) The standing Committee on the House of Refuge of the Board of the Common Council shall have authority at all times, to inspect the minutes of the proceedings of the Board of Commissioners, and all records of this institution, and it shall be the duty of said committee to visit the House of Refuge at least once a month.

Inspection.
Ib.

ART. 927. (6) The Commissioners of the House of Refuge be and they are hereby authorized to appoint such grade and number of officers or servants as they may deem necessary and advantageous, and determine their compensation.

Officers and
servants and
their compen-
sation.
Ib.

ART. 928. All children found pilfering, all children found begging within the limits of this city; all children found gathering waste merchandise, lost or refuse articles, unless the same be the property of their guardians, employers or parents; all children engaged in any occupation dangerous to the morals, or of a tendency to produce habits of idleness and vice; all children who are left without education and learn no honest trade or occupation; all children abandoned to themselves, or who are not provided for by their parents with the protection and care which the law requires, shall be deemed juvenile vagrants, and shall be brought before the Mayor or any other competent court, and shall be disposed of according to the laws establishing houses of juvenile delinquents and vagrants. All males shall be committed to the Boys' House of Refuge, and the females to the House of the Good Shepherd.

Juvenile va-
grants.
Ib.

ART. 929. (3) In every case where a child shall be committed by the Mayor or Recorder or other competent court, to the Boys' House of Refuge under the foregoing section, such commitment shall be until such time as the said child shall have attained the age of eighteen years; and any child so committed shall remain an inmate of said House of Refuge until he attains the age of eighteen years, unless previously discharged by order of the Board of Commissioners of the Boys' House of Refuge.

Term of com-
mitment.
Ib.
Amended by
Ord. No. 3305,
C. S.

Without pay. ART. 930. (9) The members of the board hereby
 Ib. created shall serve without any pay.

Commissioner of Police and Public Buildings. ART. 931. (10) That nothing in this ordinance shall
 be held to interfere with or prevent the Commissioner
 Ib. of Police and Public Buildings from having charge of
 the buildings in which the House of Refuge may be
 established.

Dedicating certain property for use of House of Refuge. ART. 932. That square Nos. 72, 75 and 78 bounded by
 Ord. No. 10,325, St. David, Freret and Arabella streets and Nashville av-
 C. S. Feb. 12, 1895. enue, and parts of squares Nos. 71, 76 and 77 bounded
 by St. David, Freret, Joseph and Arabella streets, prop-
 erty belonging to the city of New Orleans in the rear of
 the Shakspeare Almshouse in the Sixth District of the
 city of New Orleans, be and the same is hereby set apart
 and dedicated for the erection and maintenance of a
 Boys' House of Refuge, and that the same be handed
 over to and entrusted to the Board of Commissioners
 appointed under ordinance —, for the said board to
 carry out the intendment of this ordinance.

Payment of unexpended balance, Ord. No. 2309, C. S.
 Plans and specifications, Ord. No. 8371, C. S.

HOTELS AND BOARDING-HOUSES.

Slops and offal. ART. 933. Hereafter, any proprietor of any hotel or
 Ord. No. 5445 boarding-house kept in this city, and capable of accom-
 A. S. Dec. 1860. modating more than seventy-five boarders or lodgers,
 shall keep a cart well covered and so constructed as to
 be capable of carrying off all the slops and offals from
 said hotels, as well as the sewerage from their water-
 closets and privies, without emitting any offensive odors,
 at the hour hereinafter designated.

To deposit in the river. ART. 934. (2) It shall be the duty of the proprietor
 Ib. of every such hotel or boarding-house to cause all such
 slops, offals and sewerage from their respective estab-
 lishments to be removed in a cart, constructed as afore-
 said, and emptied into the Mississippi river at the
 nuisance wharves of the city, every night, between the
 hours of 11 o'clock P. M. and 3 o'clock A. M.; and
 on failure to do so every night, as above ordained, each

and every proprietor so offending shall be liable to pay a fine of one hundred dollars, recoverable before any of the Recorders of the city or any court of competent jurisdiction, for the use of the city.

ART. 935. (3) Hereafter it shall be unlawful for the proprietors of any hotel or boarding-house in this city to empty, or cause to be emptied, the slops or offals of their respective establishments in the streets of this city, or to establish and maintain, or to maintain and carry on, if already established, any sewer from their water-closets or privies into the gutters of the streets of the city; and every proprietor of any hotel or boarding-house violating this section of the above-named ordinance shall be liable to a fine of one hundred dollars, recoverable before any of the Recorders of this city or any court of competent jurisdiction, for the use of the city, for each offence and for every day that such sewer may exist.

Penalty.
Slops, sewer-
age, etc. Ib.

Penalty.

As to removal of garbage, etc., see Garbage.

ACTS OF THE LEGISLATURE.

AN ACT FOR THE PROTECTION OF HOTEL KEEPERS.

SECTION 1. That hereafter each and every landlord or keeper of a public inn or hotel in this State shall be required to be provided with an iron chest or other safe deposit for valuable articles belonging to his guests or customers; and each landlord or hotel keeper shall keep posted upon his doors and other public places in his house of entertainment written or printed notices to his guests and customers that they must leave their valuables with the landlord, his agent or clerk for safe keeping, that he may make safe deposit of the same in the place provided for that purpose.

SEC. 2. That each landlord, hotel or innkeeper as shall comply with the requirements of the first section of this act shall not be liable for any money, jewelry, watches, plate or other things made of gold or silver or of rare and precious stones, or for other valuable articles of such description as may be contained in small compass, which shall be abstracted or lost from any public inn or hotel if the same shall not be left with the landlord, his clerk or agent for deposit, unless such loss shall occur through the fraud or neglect of the landlord, or some clerk or some servant employed by him in such inn or hotel; provided, however, that the provisions of this section shall not

apply to a wearing watch, or such other articles of jewelry as are ordinarily worn upon or about the person.

Act approved January 16, 1860, No. 5, p. 7.

See section 52 of Act 1856, p. 136, No. 164.

See also act approved February 23, 1869, p. 37, No. 38.

HOUSE NUMBERS.

Decimal sys- ART. 936. (1) That a decimal system of numbering
tem. Ord. No. 7909, shall be adopted, which system will be similar to that
C. S. adopted by the cities of Philadelphia and St. Louis.
Aug. 1, 1893.

Plan. ART. 937. (2) One hundred (100) numbers shall be
Ib. devoted to each square, so that the first square on the
street will begin with the numbers 101 and 102, the
second square with 201 and 202, the third square with
301 and 302, etc.

Streets parallel ART. 938. (3) All streets parallel with the river will
to river. Ib. begin numbering at Canal street, north and south.

Not extending ART. 939. (4) Such streets as are parallel with the
to Canal river and do not extend to Canal street will begin their
street. Ib. numbering at the end nearest Canal street, and shall
begin with the decimal designating the series of blocks
at which it begins.

North and ART. 940. (5) Such streets as extend on both sides
south. Ib. of Canal street and having the same name shall be des-
ignated by the term "North" and "South;" those on
the upper side to be "South," and those on the lower
side to be "North."

From river to ART. 941. (6) All leading streets, or streets running
the lake. Ib. from the river to the lake, shall begin their numbering
at or near the river.

Other streets ART. 942. (7) Such leading streets as do not extend
Ib. to the river will begin their numbering at the end near-
est the river, and to begin with the decimal which
designates the series of blocks at which it begins.

Short streets ART. 943. (8) All short streets or alleys shall be
or alleys. Ib. numbered in such manner as deemed most advisable by
the City Council.

Even num- ART. 944. (9) The river side of those streets which
bers. Ib. run parallel with the river shall have even numbers.

ART. 945. (10) Odd numbers will be used on the lake ^{Odd numbers.}
side of all streets running parallel with the river. ^{Ib.}

ART. 946. (11) All leading streets, or streets leading ^{Even and odd}
from the river to the lake, shall have even numbers ^{numbers.} ^{Ib.}
placed on the south or up-town side, and odd numbers
on the opposite side.

ART. 947. (12) Squares will be divided up in such ^{Every fifteen}
manner that a number will be designated for each ^{feet.} ^{Ib.}
fifteen feet (15), and the charts will be made accord-
ingly.

A number will be placed on all improved property, ^{Where placed.}
and the number by which the house will be designated ^{Ib.}
will be determined by the distance of the front door
from the corner.

ART. 948. (13) A suitable number will be selected and ^{Number to be}
approved by the City Council, and the furnishing and ^{selected by}
placing of these numbers shall be awarded by contract ^{Council,} ^{Ib.}
by the City Council, and improved property in the city
of New Orleans shall be designated by such number as
may be selected, it being understood that this cause does
not prohibit persons from having the number of their
premises painted on the transom of the door or placing
any other style of number on the building; provided the
number selected and approved by the Council has been
placed on same premises.

ART. 949. The contractor to whom the contract is ^{Contractor to}
awarded for the furnishing and placing of these numbers ^{place num-}
will prepare the chart as designated in section 12 as per ^{bers.}
specifications, and will place numbers in position; pro- ^{Ord. No. 8706,}
vided, that no greater charge shall be made for the ^{C. S.}
furnishing and placing said numbers than is contained ^{Feb. 7, 1894.}
in the said contractor's bid.

ART. 950. When the contractor is prepared to furnish ^{Notice.}
the numbers he shall leave notice with the owners or ^{Ib}
agents of properties that he proposes to place the num-
ber on the respective houses, in accordance with this or-
dinance, and at the same time as the notice is served on
the owners or agents of properties said contractor shall
also enclose his bill for the price of said number.

ART. 951. One week after this notice has been served

upon the owner or agent of properties the said contractor shall proceed to collect the amount of his bill and to affix the numbers, in accordance with his contract.

Collection of bills.

ART. 952. The contractor will also leave notice with
 Ib. all property holders or agents stating the time the original numbers by which the property is now designated will be removed.

Original numbers to be removed.

ART. 953. Thirty (30) days after the contract has been
 Ib. duly entered into, under the provisions of this ordinance, the owner or agent of any property who has failed to remove the old number and put up a new number of

Contractor's duty.

the size, quality and design adopted by the Council the
 Ib. contractor shall put up a new number and take down the old, and on failure of the owner or agent of said property to pay on demand the cost of same the contractor is authorized to enter suit and obtain judgment for the amount claimed.

Unlawful to renumber.
 Ord. No. 7909,
 C. S.

ART. 954. (15) That it shall be unlawful for any
 property owner or agent to renumber his or their premises when built or number existing premises without advising the City Engineer and obtaining and putting up the number such as will be selected and approved by the City Council.

Charts and record.

ART. 955. (16) That the charts shall be bound in a
 Ib. thorough and substantial manner and compiled in such order as to be easy of access, and the City Engineer shall be obligated to designate in proper manner all numbers given, and it shall be obligatory on the office of the City Engineer to keep this record up during the continuance of this ordinance, and it shall be the duty of the Committee on Public Order to inspect the record and insist on its being properly kept.

Duty of City Engineer.

ART. 956. That the City Engineer will designate the
 Ib. time when the old numbers will be removed in the different sections, which date will be placed on the notice left by the contractor at each house.

Repealing clause.

ART. 957. That all ordinances or parts of ordinances
 Ib. in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed.

HOUSES VACANT—See OFFENCES.

IDLE PERSONS—See VAGRANTS.

IMPEACHMENTS AND REMOVALS.

ART. 958. (58) The Mayor, Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, Recorders and City Attorney shall be removable, in addition to the causes provided for in this act, for malfeasance in office, gross neglect of duty or disability affecting the fitness of the occupant to fill and discharge the duties of the position.

City officers
City charter.

ART. 959. (59) There shall be, among the standing committees of the Council a committee of five members to be styled "the Committee of Public Order," which committee shall be charged with the duty of conducting the impeachment of said officers of the city, and pending such impeachment and until the final disposition thereof the party impeached shall not exercise any of the functions of his office.

Committees.
Ib.

ART. 960. (60) The Council, excepting the five members of the Committee of Public Order, shall have full power to try all impeachments, and when sitting for that purpose, as a Court of Impeachment, the members thereof shall be on oath or affirmation. The Mayor shall preside over said court, except when on trial, in which case the president *pro tem.* of the Council shall preside.

Court of im-
peachment.
Ib.

ART. 961. (61) Upon the preferring of articles of impeachment by the Committee of Public Order or by any six members of the Council, or twenty citizens, or by the Mayor, the accused shall be placed upon trial, which trial shall take place within thirty days from the notification of said charges to the party impeached, and no person shall be convicted without a vote therefor of eighteen members of said Council. The Mayor shall not have the right to vote in the final judgment.

Order of pro-
ceeding.
Ib.

- Judgment. *Ib.* ART. 962. (62) Judgments in cases of impeachment shall not extend further than removal from office and disqualification from holding any office under the City Charter; but the party convicted shall be liable to indictment, trial and imprisonment in the parish prison, or at hard labor according to law.
- How removed. *Ib.* ART. 963. (48) The Recorders shall be removed for any of the causes enumerated in Article 196 of the Constitution, and in the manner provided in Article 201 of the Constitution.
- See City Council.

INDIGENT DEAD AND INSANE.

- Unlawful to bring indigent dead or insane to this city. ART. 964. That from and after the promulgation of this ordinance it shall be unlawful for any person, persons or corporations to bring or cause to be brought the body of any indigent dead, or any indigent insane person from any other State or parish in this State to this city for interment or treatment.
- Ord. No. 3036, C. S. July 3, 1888.
- Penalty. *Ib.* ART. 965. That every violation of this ordinance shall subject the offender or offenders to a fine of not less than twenty-five dollars, and in default of payment, to imprisonment for thirty days, or both, at the discretion of the Recorder having jurisdiction.
- Repealing clause. *Ib.* ART. 966. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.
- Cancel arrangement with Louisiana Retreat. ART. 967. That his Honor the Mayor be and is hereby directed to cancel the present arrangement with the Sisters of the Louisiana Retreat.
- Ord. No. 3774, C. S. May 28, 1889.
- New contract. *Ib.* ART. 968. That the Mayor be directed to make a new arrangement with the said Sisters of the Louisiana Retreat for the care of the city's indigent insane on a basis of not more than sixty-five cents per day for each patient.
- Limited. *Ib.* ART. 969. That no contract shall be made to cover an expenditure in any one year over and above the amount appropriated for the purpose stated.

Providing for payment to Louisiana Insane Asylum at Jackson, La., for patients. Ordinance No. 3642, C. S., amending and re-adopting Ordinance No. 3545, C. S.

As to insane persons, see Asylums.

INSANE PERSONS—SEE ASYLUMS AND INDIGENT DEAD AND INSANE.

INSPECTION OF BOILERS.

Ords. Nos. 6647 and 6619, C. S., declared null and void by Supreme Court.

INSPECTOR OF WEIGHTS AND MEASURES— See WEIGHTS AND MEASURES.

INSTITUTIONS, PUBLIC—See ASYLUMS AND HOSPITALS.

INSURANCE.

ART. 970. The Mayor and Chairman of the Finance Committee to insure such city property as in their opinion may be found necessary.

Insurance city
property.
Ord. No. 6359
C. S.
May 24, 1892.

ART. 971. That all laws or parts of laws in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause. Ib.

INTERMENTS—See CEMETERIES.

ITINERANT VENDORS OF DRUGS—See MEDI- CINES AND MIDWIVES.

JAILS—See PRISONS.

JEFFERSON CITY GAS LIGHT COMPANY—See GAS COMPANIES.

JUDGMENTS.

COLLECTION OF JUDGMENTS.

Moneys recovered by judgment.
A. S. 2239.
July, 1873.

ART. 972. That all moneys recovered by judgment in favor of the city be paid by the party against whom the judgment is rendered, or by the sheriff or constable collecting the same, directly to the Administrator of Finance on the warrant of the Administrator of Public Accounts, and all officers and employees of the city except said Administrator of Finance or a clerk duly authorized by him, are hereby prohibited from receiving said moneys or any part thereof.

Written statement.

ART. 973. That all settlements made under the preceding section shall be accompanied by a written statement signed by the City Attorney, which shall be filed in the Department of Public Accounts.

Setting aside money to pay judgment creditors, Ord. No. 2857.

 JUSTICES OF THE PEACE—See CITY COURTS.

KEEPERS—See POUNDS.

ARCHIVES.

Appointment.
Ord. No. 1055
A. S.
Aug. 22, 1871.

ART. 974. That there shall be appointed by the Mayor, by and with the consent and approval of the Council, a Keeper of the City Archives. His salary shall be at the rate of fifty dollars, and he shall serve during the pleasure of the Council. It will be his duty to keep open during office hours the room containing the City Archives, cause the same to be properly indexed and kept in a proper state of order for access and inquiry; to allow no books, papers or archives of any kind to be taken thence, except upon the order of the Mayor for a public purpose, and due receipt taken from the party withdrawing the same descriptive of the article so temporarily withdrawn.

Duties.

See Organization.

KEEPER OF THE COURTHOUSE.

ART. 975. He shall every morning, at an early hour, open all the doors and windows of the courthouse; cause to be swept and dusted the different courts and offices; place the seats in order; and during the winter light fires whenever they shall be necessary, and supply the courts with good water.

His duties.
Ord. No. 458.
Nov., 1852.
O. S. 2147.
May, 1855.
A. S. 253.
July, 1870.

ART. 976. He shall take care that the carpets, tables, seats and other furniture, as also the ceilings and window-glasses, be constantly kept in the highest state of cleanliness, and shall cause to be swept and washed every day the yard and lobbies.

Cleanliness
and order. Ib.

ART. 977. Every day, as soon as the courts shall have adjourned, he shall cause to be shut all doors and windows and put out all fires and lights, and shall take care that no person shall enter the courts after adjournment, or pass the nights therein. It is well understood that the provisions of this article shall not apply to officers of the different courts.

Fire and light.
Ib.

ART. 978. He shall be responsible for all damage and injury arising from carelessness or improper conduct of his servants or assistants.

His responsibility. Ib.

ART. 979. The said keeper shall reside in said courthouse and shall sleep there. He shall not absent himself during the day, unless he leaves some person in his place for whose acts and doings said keeper and his sureties shall be responsible, and said keeper shall not absent himself therefrom during the night.

Shall reside
in the courthouse. Ib.

ART. 980. That the duties imposed on the Keeper of the Courthouse, as set forth in Ordinance No. 458, approved 27th November, 1852, be so construed as to apply to all the courts and courthouses of the city at present existing or that may hereafter be established.

Additional
duties.
O. S. 2147.
May, 1853.

JURY AND JURORS AND JURY COMMISSIONERS.

See Act 170 of 1894, p. 211, entitled: An act to amend and re-enact section 2, of Act 98 of 1880, entitled: "An act to organize the Criminal District Court of the parish of Orleans, as established by Art. 130 of the Constitution of the State; to create a Board of Jury Commissioners for the parish of Orleans, providing

for the appointment of same, and filling vacancies therein; fixing the number of the board, defining its duties, powers and compensation; providing for the manner of drawing, selecting and empaneling grand, petit and tales jurors for the parish of Orleans; providing for the division of the Criminal District Court into sections; providing for an annual vacation for each of the judges of said court; providing for the transfer of causes pending in the Superior Criminal and First District Court for the parish of Orleans to the Criminal District Court for the said parish; providing for the appointment of a shorthand reporter for the Criminal District Court for the parish of Orleans, and fixing his salary, and to repeal all laws or part of laws in conflict herewith."

LABOR AND LABORERS.

Residents of the ward. ART. 981. That the street laborers of the city be composed of resident citizens of the ward in which they are employed.
Ord. No. 70, C. S. Jan. 16, 1883.

Employment of resident citizens by contractors. ART. 982. That hereafter in all contracts let by the city of New Orleans for public works of every kind and nature, there shall be written into the said contracts, as one of the conditions and specifications thereof, that no public contractor on any public work within the city of New Orleans, who has obtained such contract from the city of New Orleans, shall employ any other but *bona fide* resident citizens of the city of New Orleans as laborers on such public work under his contract.
Ord. No. 10,486, C. S. Mar. 26, 1895.

Penalty. ART. 983. (2) That it shall also be considered a condition of each and every public contract mentioned in section 1, that the contractor shall pay as liquidated damages, for each and every person employed in violation of the provisions of section 1, a penalty of twenty-five dollars (\$25), to be recovered before any court of competent jurisdiction for the benefit of the Charity Hospital, and that either the city of New Orleans or the Board of Administrators of the Charity Hospital shall have authority to sue for and recover these penalties.
Ib.

Bond. ART. 984. (3) That the bond to be given by the contractor, as security for the execution of said contracts,
Ib.

shall be held and deemed to cover liability on the part of the surety for all of the penalties incurred by the contractor in violation of these conditions of his contract.

ART. 985. (4) That all public officials charged with the preparation of specifications of contracts for public work are directed to write the above conditions in all such specifications, and the City Notary is specially charged with the duty of seeing that the conditions in said sections 1, 2 and 3 of this ordinance shall be written into and made part of every notarial contract for any public work let out by the city of New Orleans.

HOURS OF LABOR—See *Employees*.

TRANSFER OF WAGES—See *Employees*.

PAYMENTS—See *Employees*.

LABOR AGENCIES.

ACT No. 58 OF 1894.

To regulate the mode and manner of conducting the affairs and business of Labor Agencies and Bureaus of Employment.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That from and after the date of the passage of this act that no one shall carry on, hold or keep any labor agency or bureau of employment without first having obtained the written permission of the Mayor of the city or town wherein said agency or bureau is to be located.

Mayor to grant authority to keep labor agency.

SEC. 2. *Be it further enacted, etc.,* That before any person or persons shall be permitted to open, keep or conduct any labor agency or bureau of employment within the jurisdiction of said city or town, he shall furnish a bond with good and solvent security in favor of the Mayor of the said city or town in the full sum and amount of five thousand dollars (\$5000), conditioned that he shall well and truly carry out the purposes for which said agency shall have been established, and that he shall pay all such damages which may result from his actions as such labor agent or keeper of said bureau of employment; and that any one who may have been injured and damaged by said agent, by any act done in furtherance of said business, or by fraud or misrepresentations of said agents or keepers, shall have a right to sue for the recovery of such damages before any court of competent jurisdiction.

Bond required of labor agents.

SEC. 3. *Be it further enacted, etc.,* That any one violating the provisions of this law shall be subjected to a fine of twenty-five dollars for each violation thereof, or imprisonment for not more

Penalty.

than thirty days, or both, at the discretion of the court in whose jurisdiction the offence was committed.

SEC. 4. *Be it further enacted, etc.,* That this law shall take effect from and after its passage.

LANDINGS—See WHARVES AND LANDINGS.

LANDS AND LEVEES.

ORLEANS LEVEE BOARD.

ACT 93 OF 1890.

To establish the Orleans Levee District and the Board of Levee Commissioners thereof; to define their powers and duties; to provide a revenue therefor and to repeal conflicting laws.

Creating the
Orleans Levee
District.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That the parish of Orleans be and the same is hereby formed into a public Levee District to be known as the Orleans Levee District.

Governor to
appoint com-
missioners.

SEC. 2. *Be it further enacted, etc.,* That the Governor shall immediately upon the passage of this act appoint seven persons, possessing all the requisites of a qualified elector in said parish, to serve as Commissioners of said district, four of whom shall hold the said office during the term of three years, and three for the term of six years and until their successors are appointed and qualified, and in case of a vacancy by death or resignation or inability to act, such vacancy shall be filled by appointment by the Governor; and as said terms of office expire reappointment shall be for the term of six years.

The other commissioners shall be, *ex-officio*, the Mayor and the Commissioner of Public Works of New Orleans, forming thus a board of nine members.

The seven commissioners first mentioned shall be appointed from the several municipal districts of the city.

Board of
Commissioners
constitute a
body politic.

SEC. 3. *Be it further enacted, etc.,* That said commissioners shall constitute and be styled "The Board of Levee Commissioners of Orleans Levee District," and such are hereby constituted and created a body politic; with needful succession and corporate powers; shall have power to sue and be sued in their corporate name; shall have a common seal, and shall have the franchise and power to do and perform all the purposes of this act; and to acquire, hold, own and convey all the property, real and personal, needful in the premises, and to alienate, mortgage and pledge the same for said purposes.

The domicile of this board shall be in the city of New Orleans, where it shall be suable; and service of citation shall in all cases be made upon its president. Domicile of the board.

SEC. 4. *Be it further enacted, etc.,* That the Governor shall, at the time of the appointment of commissioners hereunder, appoint the time and place of the first meeting of said board in New Orleans; and the members appointed and *ex-officio* shall meet and organize by the election of a president of their own number, and a secretary. Time and place of first meeting.

The president shall have the executive power proper to a president of a board, and the secretary shall keep a record of all proceedings, and, when necessary, attest the same, and shall perform such other duties as may be prescribed for him by the board, and the board shall fix his salary. Powers of the president and the duties of the secretary.

The board shall have the power to adopt all necessary and proper rules of proceedings and by-laws, and, in the absence of the president, may select a president *pro tempore*, with the same powers, during such absence. Board to adopt by-laws.

At all meetings six members shall constitute a quorum for any business. Quorum.

If any commissioner appointed by the Governor shall neglect or refuse to attend the meetings of the board, or to discharge his official duty, a majority of the board shall certify the fact to the Governor, who, on request of the board, shall remove such commissioner and appoint a successor. Removal of members of the Board and appointment of their successors.

SEC. 5. *Be it further enacted, etc.,* That for the purpose of providing the revenue to carry out the object of this act, a district levee tax on all taxable property in said district not exceeding one mill on the dollar of its assessed valuation shall be levied by said Board of Levee Commissioners annually, pursuant to Article 214 of the Constitution and its amendments, and such levies shall be made for the year 1890 as well as for succeeding years, and it shall be the duty of the assessors for the parish of Orleans to extend the said tax on the rolls of 1890 and succeeding rolls whether the same has yet been filed with the recorder and tax collector or not; and it shall be the duty of the tax collector of said parish to collect the said district levee tax in the same manner as State taxes are collected and enforced, and to settle therefor with the State Auditor and State Treasurer; and the said fund shall be kept in the State Treasury as a separate fund in a separate account to the credit of said Board of Levee Commissioners of the New Orleans Levee District, and the same shall be paid out only on the warrants of the president or president *pro tempore* of said board, attested or countersigned by the secretary; provided, that whenever said board shall find that said levee district tax of one mill is producing more than is needful for the construction and other expenses, they shall make a proportionate reduction of said tax, and thenceforth the same shall be extended on the rolls at the reduced rate. Board authorized to levy annual taxes for levee purposes.
Funds of the District to be deposited with the State Treasurer.

The approval of the State Board of Engineers to be obtained before levee work is performed.

Duty of the Board of Levee Commissioners

SEC. 6. *Be it further enacted, etc..* That the said Board of Levee Commissioners, as to location, construction and repairs of all levees necessary to protect said district, shall first have the approval, in writing, of the State Board of Engineers. The said Board of Levee Commissioners is hereby charged with the construction and repairs and invested with the control and maintenance of all levees in said Orleans district, whether on river, lake, canal, or elsewhere, and shall proceed as rapidly and effectually as possible to put the same in such state as to amply protect the property within the district by the best methods; and to this end may employ a consulting engineer and such legal counsel as may be necessary, and such assistants, clerks, inspectors and guards as may be necessary, and fix and pay the compensation of persons so employed.

Mayor to commission special officer.

It shall be the right and duty of the Mayor of New Orleans to commission as special officers such inspectors and guards as the board may nominate.

Powers of the Board in cases of emergency.

All levee work or work of similar character, except that required by emergency, shall be advertised to be let out by sealed proposal to the lowest responsible bidder, reserving to the said board authority to reject all bids. In case of emergency said board may itself build or repair levees to protect said district without such competition, but with the approval as aforesaid of the State Board of Engineers, if it be practicable to obtain such approval; in such cases, however, spreading on its minutes a statement of the reasons of such action. The City Surveyor of New Orleans, who shall hereafter be styled City Engineer, shall be the chief engineer of said board; and the board shall pay him such salary as, with the salary received from the city, shall make his compensation for all official service to the city of New Orleans or parish of Orleans not exceeding the sum of thirty-five hundred dollars.

City Surveyor of New Orleans to be the chief engineer of the Board.

Officers of the Board to levy and collect taxes until all obligations of the Board are paid.

SEC. 7. *Be it further enacted, etc..* That it shall be the duty of said board and of all officers charged with the assessment of said board, and of all officers charged with the assessment, levy, extension, collection and custody and payment of said taxes in this act provided to collect, levy and extend, and disburse the same as herein provided, and such duties shall exist and such provisions be irrepealable as long as any obligations of the said board are unpaid, and said provisions shall always be enforceable by mandamus and injunction, and by other suitable remedy in court; provided further, that said commissioners shall not contract in any one year any liability beyond the revenues of said levee district for two years.

Board to expropriate lands

SEC. 8. *Be it further enacted, etc..* That said board shall have full power to expropriate any lands necessary for its works, whether in the parish of Orleans or in adjoining parishes, by the proceedings provided by the Civil Code of 1870, Arts. 2626 to 2641

inclusive, which are hereby made in all respects applicable to said commission and its works, and right of way over all lands of the State and of the city of New Orleans is hereby granted to said commission for any of its works.

SEC. 9. *Be it further enacted, etc.*, That this act shall be liberally construed to effect its object, and shall take effect from and after its promulgation, and all laws in conflict herewith are repealed.

ACT 79 OF 1892.

To amend and re-enact section 6 of Act No. 93, approved July 7, 1890, entitled an act to establish the Orleans Levee District and Board of Levee Commissioners thereof; to define their powers and duties, to provide a revenue therefor, and to repeal conflicting laws.

SEC. 1. *Be it enacted by the General Assembly of the State of Louisiana*, That section 6 of Act No. 93, approved July 7, 1890, entitled "An act to establish the Orleans Levee District and the Board of Levee Commissioners thereof; to define their powers and duties; to provide a revenue therefor, and to repeal conflicting laws," be so amended and re-enacted as to read as follows:

SEC. 6. *Be it further enacted, etc.*, That the said Board of Levee Commissioners is hereby charged with the construction and repairs, and invested with the control and maintenance of all levees in said Orleans district, whether on river, lake, canal or elsewhere. It shall also be the duty of said board to provide, by the best method, for the thorough protection of said district against overflow, and to this end said board shall have full power and authority to put up and erect, in connection with its levee system, such pumps, floodgates and other appliances as may become necessary to carry out said purpose; provided, that the said Board of Levee Commissioners, as to location, construction and repairs of all levees on the river front of said district, shall first have the approval in writing of the State Board of Engineers, and said board may employ such engineers and such legal counsel as may be necessary, and such assistants, clerks, inspectors and guards as may be required, and fix and pay the compensation of the persons so employed.

Duties of the Board of Commissioners.

The Board may employ engineers, legal counsel, assistant clerks, etc., their compensation.

It shall be the right and duty of the Mayor of the city of New Orleans to commission as special officers such inspectors and guards as the board may nominate.

Making it the right and duty of the Mayor of New Orleans to commission inspectors and guards.

All levee work and other work ordered by the board, except that required by emergency, shall be advertised to be let out by sealed proposals to the lowest responsible bidders, reserving to said board the right to reject any and all bids. In case of emergency said board may itself build or repair levees and all other necessary work to protect said district without such

Manner of letting out work. competition, "but with the approval as aforesaid of the State Board of Engineers," in such cases, however, spreading on its minutes a statement of the reasons of such actions. The City

The City Engineer to be the consulting engineer of the Board. Surveyor of New Orleans, who shall hereafter be styled City Engineer, shall be consulting engineer of said board, and the board may pay him such salary as with the salary received from the city shall make his compensation for all official services to the city of New Orleans or parish of Orleans not exceeding the sum of thirty-five hundred dollars.

SEC. 2. *Be it further enacted, etc.,* That all laws or parts of laws contrary to or in conflict with this act are hereby repealed.

PROTECTION LEVEES.

Cutting gaps, A. S. 7377. Oct., 1881. ART. 986. (1) That it shall be unlawful for any person or persons to cut or open gaps in any of the protection levees within the incorporated limits of the parish of Orleans, or to remove by cart or otherwise any portion of the dirt forming or having formed a part of said protection levee, without first having obtained the written permission of the City Surveyor and the approval of the Administrator of Improvements officially endorsed thereon. Any person or persons violating the provisions of this ordinance shall be fined not less than twenty-five dollars, recoverable before the Recorder or

Penalty. 1b. committing magistrate within whose jurisdiction the offence may have been committed, and in default of payment thereof to imprisonment for a period not less than thirty days.

LEVEES.

Gaps and openings. Ord. No. 811, C. S. Aug. 5, 1884. ART. 987. (1) That from and after the passage of this ordinance it shall be unlawful for any person or persons to cut gaps or openings in or otherwise impair the security of any portion of the levee on the river in front of the city of New Orleans without first having obtained permission from the City Council.

Permission and how obtained. ART. 988. (2) That in all cases where such permission may in the future be given by the City Council, that the party to whom such privilege shall be granted shall give, in favor of the Mayor, a bond in the sum of at least two hundred and fifty dollars, conditioned that he will immediately and properly restore the levee on no-

tice from the Commissioner of Public Works, City Surveyor or other proper officer of the city of New Orleans to do so; and in the event of failure to restore the levee, same shall be done by the city of New Orleans at the cost, charge and expense of the person failing to comply.

Penalty.

ART. 989. (3) That any person who may, without having first obtained such permission, cut, or who may cause to be cut, gaps or openings in or across, or otherwise impair the strength of any portion of the levee in front of the city, shall be deemed guilty of a misdemeanor and shall be liable to a fine not exceeding one hundred dollars or imprisonment for ten days in the parish prison, or both, at the discretion of the Recorder having jurisdiction of the case.

ART. 990. (4) That all laws or ordinances in conflict with any of the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause. Ib.

ART. 991. (1) That it shall be unlawful for any person or persons, acting either for themselves or in any corporate capacity, to cut, open, or in anywise impair the protection levee recently constructed in the Fifth District of the city of New Orleans, and it shall be the duty of the police or officers of the Department of Public Works to cause the arrest and imprisonment of any party or parties who shall violate the provisions of this ordinance.

Protection
levee Fifth Dis-
trict.
Ord. No. 857,
C. S.
Aug., 1884.

ART. 992. (2) The offence charged herein shall be punishable before any court of competent jurisdiction with imprisonment for not more than six months or with a fine of not less than \$25 or more than \$100.

Penalty.

CARROLLTON LEVEE.

ART. 993. (1) That hereafter it is strictly prohibited to land or float logs, debris, shingle bolts or parts of logs, boats or rafts within the space between the new and old levees in Carrollton, also the erection of any hut or shed against the revetment, or in the same space mentioned above, or the fastening of any floating object therein to the revetment; also the landing or storing of any material whatsoever in the immediate rear of the

Logs, debris,
etc.
Ord. No. 1112,
C. S.
Feb. 3, 1885.

Huts or sheds.

Storing mate-
rials.

said revetment or the road between the same and the earth, or on top of the anchors of the revetment recently constructed on the point of Carrollton.

Penalty. *Ib.* ART. 994. (2) That any violation of the provisions of the foregoing ordinance, the party or parties so offending will be liable, on conviction, to a fine of not less than \$25, or thirty days' imprisonment, or both, at the discretion of the court.

GRAZING CATTLE.

Grazing on levees. ART. 995. (1) That it shall be and it is hereby made Ord. No. 7679, the duty of owners of cows, horses, mules, hogs or A. S. other animals, to keep them from grazing or roaming Mar. 21, 1882. upon any of the public levees of the parish of Orleans.

Penalty. *Ib.* ART. 996. (2) That the owner of any animal found roaming or grazing upon any of the public levees as aforesaid shall be subject to a fine of not more than \$25 nor less than \$5 for each offence, or imprisonment, at the discretion of the court, of not less than ten nor more than thirty days.

To take effect. *Ib.* ART. 997. (3) That this ordinance shall go into effect from and after its passage.

Raft, vessel or boat. ART. 998. (1) That it shall not be lawful for any Ord. No. 947, owner, agent or person in charge of any raft, vessel or C. S. boat propelled by steam or otherwise to land or moor Oct. 7, 1884. the same against or alongside any bulkhead or levee where no wharves have been built, and where the banks

Caving banks *Ib.* of the river are known or designated as caving or losing banks for more than three consecutive days, except for the purpose of loading and unloading cargoes.

Digging prohibited. ART. 999. (2) That it shall not be lawful for any owner, agent or person in charge of any raft, vessel or boat, propelled by steam or otherwise, to dig or cause to be dug, any portions of the levees, streets or landings for the purpose of sinking or securing anchors or pieces

Mooring post. of timber commonly designated as deadmen, for the purpose of tying or mooring any raft, vessel or boats of any kind; provided, this does not exclude the right of setting mooring posts in such localities as may be designated by the City Surveyor.

ART. 1000. (3) That it shall be the duty of the City Surveyor to designate to wharfingers such portions of the river banks known as caving or losing banks.

ART. 1001. (4) That any person or persons violating any provision of this ordinance shall incur a penalty of not less than \$10 and not more than \$25, or imprisonment not to exceed thirty days, recoverable before any court of competent jurisdiction, for the use of the city, and a further penalty of \$10 per day for every day he or they shall continue to violate the same.

ART. 1002. (5) That it shall be the duty of the wharfinger or wharfingers to cause forthwith the removal of said rafts, vessels or boats, after legal delay of three days as provided, and make such affidavits as may be required for the enforcement of any provisions of this ordinance.

ART. 1003. It shall not be lawful for any person to encumber with the river sand, planks and staves, the levee in front of the city of New Orleans, from the upper to the lower limits of said city.

ART. 1004. It shall not be lawful for any person to damage or injure in any way the levee in front of the city.

ART. 1005. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

ART. 1006. It shall be the duty of the several wharfingers in their respective districts to carry into effect the provisions of the foregoing ordinance.

ART. 1007. That from and after the passage of this ordinance it is hereby made the duty of the Commissioner of Public Works to remove or cause to be removed by the owner, owners, or agents thereof, or any person or persons, or corporation, acting as agent or

City Surveyor
Ib.

Penalty.
Ib.

Wharfingers.

Not to encumber with sand,
etc.
Oct., 1859.
O. S. 4166.

Not to damage.
Ib.

Penalty.
Ord. No. 4902,
C. S.
Dec. 16, 1890.

Duty of wharfingers.
Ord No. 4166,
O. S.

Obstruction on levee front.
Duty of Commissioner of Public Works.
Ord. No. 4939,
C. S.
Dec. 16, 1890.

Penalty.

otherwise, all lumber, building material, fuel, fences, buildings, constructions, or any object, or thing of any nature or kind whatsoever, lying on the battures, or along the river front, or on the levees, which obstructs the levee and interferes with the safety of or is an obstacle to the construction or repair thereof. That the said Commissioner of Public Works shall at all times, when requested by the Orleans Levee Board or its officers, and without any other instructions, cause this ordinance to be fully complied with and executed. That any person or persons, or corporations acting either as agents or otherwise, who shall violate the terms of this ordinance, or fail to comply therewith, shall be subject to a fine of twenty-five (\$25) dollars, collectible by any competent court or Recorder, and in default of making payment of such fine be imprisoned not less than ten days nor more than twenty days for each and every offence.

Commissioner
of Public
Works to re-
move.

ART. 1008. That after forty-eight hours' notice by the Commissioner of Public Works, property aforedescribed, *ib.* or things, are not removed by the owner, owners or agents thereof, that the said Commissioner of Public Works is authorized and empowered to cause the said removal to be made and effected at the expense of the said parties.

Removal of
squatters from
Louisiana
Avenue to up-
per Seventh
District.

ART. 1009. That the Mayor and the Commissioner of Public Works be and are hereby instructed to cause the entire removal of all obstructions from and opposite *ib.* Ord. No. 3777, each and every street within the district named, and to C. S. May, 28, 1889, keep the same always free and unobstructed.

Penalty.

ART. 1010. That for each and every infringement of *ib.* the above, after due notice given by the Mayor and the Commissioner of Public Works, the offender shall be liable for a fine of not less than five dollars or more than twenty-five dollars, or to imprisonment not exceeding thirty days, or both, at the discretion of the Recorder of the district where the offence shall be committed.

ART. 1011. That all laws or parts of laws in conflict with the above are hereby repealed.

BATTURE.

ART. 1012. (1) From and after the passage of this ordinance no permission will be granted for the taking out of sand from the batture in front of the city unless by certificate of the City Surveyor, directed to the wharfingers and their deputies, setting forth the filling required by the location of the property to be filled; that no person or persons be allowed to procure sand from the levee on more than one such permit at any one time, and only at such places as may be designated by the City Surveyor, under a revokement of said permit and denial to such parties to take sand from said batture.

Taking of
sand.
O. S. 3029,
Oct., 1856.

ART. 1013. (2) No sand will be permitted to remain or be piled on the levee of the public lauding for a longer period than five days under forfeiture of said sand to the use of the city; and that the wharfingers and their deputies are specially charged with the execution of this ordinance.

Sand piled on
the levee. Ib.

ART. 1014. (3) It is hereby made the duty of the wharfingers and their deputies of the city to receive the permits of the City Surveyor from the parties desiring to take out sand from the batture, to designate and regulate the space for each person or persons, accordingly, for the accommodation of all; and persons taking out sand shall occupy such space allotted to them, and no more; and in case any person shall occupy or encumber any other place than that designated by said wharfingers or their deputies, he or they shall become liable to a forfeiture of the privileges granted to them in their permit for taking out sand from said batture; and that all ordinances be and the same are hereby repealed.

Duty of
wharfingers. Ib.

ART. 1015. That all permits for taking sand from the batture in front of the city, under Ordinance 3029, O. S., are hereby revoked.

Permits re-
voked.
Ord. No. 3780,
C. S.,
May 28, 1889.

ART. 1016. That hereafter no further permit for taking sand from the batture in front of the city under said ordinance shall be issued unless the parties applying for such permit shall deposit in the hands of the Comp-

Deposits to
be made. Ib.

troller the sum of twenty-five to seventy-five dollars, at the discretion of the City Surveyor, to be retained by him to secure the repair of all damage done to the levee by said parties. When any and all damage has been repaired to the satisfaction of the City Surveyor said deposit shall be returned to the party holding the permit.

Permits under
Ord. No. 3029,
O. S., revok-
able.

ART. 1017. That all permits given under ordinance No. 3029, O. S., shall be revocable at the discretion of the

- 1b. City Surveyor, and at the expiration of ten days after the service of notice of revocation of permit all damages done to the levee by hauling sand over, along or through it are not thoroughly repaired to the satisfaction of the City Surveyor by the holder of the permit, then the deposit made by him in the hands of the Comptroller shall be forfeited and turned over to the Commissioner of Public Works, who shall make therewith the necessary repairs; provided, this shall not apply where there are no levees.

Not apply to
levees.

1b,

Permission to
Orleans Levee
Board.
Ord. No. 7077
C. S.
Jan. 3, 1893.

ART. 1018. That for the purpose of having sand to utilize for the topping out of levees and other purposes during the high water season the Orleans Levee Board be and are hereby granted permission to wheel out and place on the levee a pile of sand at the head of Race street and at the head of Louisiana avenue.

To locate on
the levee.

- ART. 1019. That the Orleans Levee Board shall have 1b. the right to wheel out sand and locate same on the levee at such other points as they may desire; provided, the location of the pile on the levee is designated and approved by the Commissioner of Public Works and the Wharf Lessees and City Engineer.

Rice chaff
on batture
A. S. 7342.
Sept. 1881.

ART. 1020. (1) That from and after this date no person or persons will be permitted to dump, throw or deposit any rice chaff or other rice-mill refuse into or on any batture on the river front of this city, except such as are or may hereafter be set apart for such purpose by the Administrator of Commerce; and any person or persons who may violate the same shall be fined in a sum of not less than five nor more than twenty-five dollars for each and every offence, and in case of failure or inability to pay such fine to be imprisoned for a term of

from five to twenty-five days, or both, at the discretion of the Recorder in whose district the offence may have been committed.

WEST END REVETMENT LEVEE AND LAKE SHORE.

ART. 1021. (1) That the Mayor be and he is hereby authorized to enter into a contract with the New Orleans City Railroad Company, whereby said road shall agree to reduce the fare on said road to fifteen (15) cents for the round trip from the station at Canal street to the New Lake and return, and shall, at its own expense, cause a number of sheds to be built on the levee at the New Lake End for the convenience of visitors, the number and character of the sheds to be determined hereafter; and whereby said company shall engage to advance the necessary money to repair the revetment levee at said New Lake End, and for the reimbursement to said company of the said sum of money so to be advanced for repairing said levee, it shall be stipulated and agreed that the same shall be payable in two equal instalments, on the first day of March, in 1879 and 1880, without interest, and that the city of New Orleans shall receive from said company for each instalment of the indebtedness it may incur as aforesaid to said company an equal amount of municipal licenses, due and owing by the company to the city, and taxes imposed for general purposes for the year in which said instalments shall mature.

Reduction of
fare.
Ord. No. 4566,
A. S.
June, 1878.

To build sheds
on the revet-
ment levee.

Manner of re-
imbursement.

ART. 1022. (1) That the New Orleans City Railroad Company shall have and enjoy the right of the exclusive use of the lake front of the revetment levee, situated between the end of the New Canal and the bridge of the Upper Line Canal, for the period of twenty-five years, upon the terms and conditions herein set forth:

Exclusive use
of the revet-
ment levee.
Ord. No. 6316,
A. S.
Jan. 1880.

ART. 1023. (2) That said company shall bind itself to keep said revetment levee in good condition and repair; plant trees upon and embellish the neutral ground in the centre of same with flowers and shrubbery; shell and make a good walk ten feet wide on the lake front of said revetment levee; shell the space inside of said

Conditions.
Ib.

neutral ground and keep the same in good order for a public drive; and also keep the abutment, as per specifications on file in the office of the City Surveyor, in good repair and order; build a hotel with restaurant and a pavilion over the waters of Lake Pontchartrain in front of said revetment levee, in accordance with plans and specifications to be adopted by the Council; employ at least three policemen during six months in the year, and one during the remaining six months, at its own expense, who shall be commissioned by the Mayor and be under the supervision of the officer commanding the suburban police precinct.

To build a
hotel.

Policemen.

Rights inside
of revetment
levee.

Ib.

ART. 1024. (3) That said company shall have no right whatever on the inside of said revetment levee, except to so much of the space thereof which may be necessary to preserve a full and open view of its hotel and pavilion, which is hereby reserved, and the right to which is hereby also granted to said company for said purpose, only during the term of this privilege.

Revocation
of grants and
privileges to
others.

Ib.

ART. 1025. (4) That for the proper enforcement of and to carry into effect the provisions of this ordinance, all privileges heretofore granted to any person or persons to erect booths, buildings and other structures on the lake front of said revetment, or over the waters of Lake Pontchartrain in front thereof, are hereby withdrawn and repealed, as per ordinance No. —, and that said company, after notifying said person or persons owning or occupying the same to remove or cause to be removed the same within a period of sixty days from the service of said notice, shall have the right to remove or cause to be removed said booths, buildings or other structures at his own expense, should said person or persons refuse, neglect or otherwise fail to comply with said notice.

To keep build-
ings and im-
provements in
good order.

Ib.

ART. 1026. (5) That said company binds itself to keep all the improvements herein mentioned upon said revetment levee, and over the waters of Lake Pontchartrain, in front of the same, in good order and condition during the term of this privilege, and at the expiration of same all of the improvements erected on said revetment levee

shall revert to the city of New Orleans without cost or expense.

LAKE SHORE.

ART. 1027. That the permissions granted to Robert Rea by ordinance No. 3415, A. S. ; Albert Frederick, by ordinance No. 3442, A. S. ; John Schneckenberger, by ordinance No. 3508, A. S. ; Juan Mercadel, by ordinance 3510, A. S. ; Peter Johnson, by ordinance No. 3513, A. S. ; Widow S. Chapuis, by ordinance No. 3514, A. S. ; Andrew Paratore, by ordinance No. 3515, A. S. ; Isidore Magnifico, by ordinance No. 3519, A. S. ; L. Wessenback, by ordinance No. 3520, A. S. ; James Daly, by ordinance No. 3618, A. S. ; Christian Land, by ordinance No. 3621, A. S. ; W. A. Valentine, by ordinance No. 3650, A. S. ; A. M. Mir, by ordinance No. 3651, A. S., for the erection of certain buildings at the New Lake End, outside of the protection levee, to be used for the purposes specified respectively in the above recited ordinances be, and the same are hereby revoked.

Revocation
of privileges.
April, 1877.
A. S. 3913.

ART. 1028. (2) That hereafter permits will be granted by the Council of the city of New Orleans to parties wishing to erect buildings inside of the protection levee at the New Lake End ; provided, said buildings be erected according to the plans and specifications on file in the office of the Administrator of Commerce, and under the supervision of the City Surveyor.

Buildings on
the New Lake
End.
Ord. No. 3913.
A. S.

ART. 1029. (1) That hereafter it shall not be lawful for any party or parties, who may obtain permits from the City Council to erect buildings at the New Lake End, to transfer and set over said permits to any other party or parties before first obtaining the consent and approval of the City Council.

Prohibiting
transfer of per-
mits.
A. S. 3980.
June, 1877.

ART. 1030. (1) That the City Surveyor be and he is hereby instructed at the earliest practicable time to make an exact survey of the ground, commencing at the canal and extending west the entire length of the revetment levee, and from said levee back or toward the city to the line or lines of property held in private ownership, and also to designate what buildings, if any, or other

Survey.
A. S. 6995.
April, 1881.

works have been or are being constructed on said public ground by private persons, with or without permission of this Council.

Survey of inner lines.
June, 1881.
A. S. 7134.

ART. 1031. That the City Surveyor be and is hereby instructed to at once make a survey of the inner lines of the revetment levee at West End, from the line of the New Canal to the line of the Seventeenth Street Canal, and divide the same off into lots or spaces of seventy-five feet each, with twenty-five feet intervals; also to furnish the Administrator of Commerce with a complete plan of the same, showing the division of spaces or lots as required above; the said plan to be part of the records of the office of the Administrator of Commerce.

Revocation of privileges.
June, 1881.
A. S. 7142.
July, 1881.
A. S. 7200.

ART. 1032. That all ordinances or resolutions granting privileges to individuals or corporations on the lake revetment levee, west side of the New Canal, not secured by notarial act with the city government be and the same are hereby repealed.

Rescinding revocation of privileges.
A. S. 7200.
July, 1881.

ART. 1033. (1) That Ordinance 7142, A. S., as far as it applies to the revocation of privileges previously granted to the Southern Yacht Club, at West End, is hereby rescinded and the Southern Yacht Club are herewith reinstated in all the rights and privileges at present enjoyed by them at West End, extending to and including lots Nos. 1 and 2, as per plan by City Surveyor.

Lease of lots.
July, 1881.
A. S. 7199.
July, 1881.
A. S. 7243.
August, 1881.
A. S. 7297.

ART. 1034. That the Administrator of Commerce be and he is hereby authorized to advertise in the official journal during ten days the lease by sealed proposals of the lots or building spaces on the inner side of the revetment levee at West End for the term of twenty-five years from the date of lease, commencing at lot No. 6 and being numbered as follows: Nos. 6, 10, 12, 14, 16, 18 and 20, according to a plan made by the City Surveyor under date of June 9, 1881, according to ordinance No. 7134 on file in the office of the Administrator of Commerce, and to be made a part of this ordinance, all of which bids are to be accompanied with a deposit of fifty dollars, the same to be made a part of the rental money on completion of notarial act, and if said act is

not signed and completed within thirty days from the date of adjudication the amount of deposit shall be forfeited and become the property of the city, and the lot to be re-advertised and sold in accordance with the above conditions. The said lots to be adjudicated to the highest bidder for cash. That all structures, buildings, etc., to be erected on said building spaces, shall be constructed in accordance with plans and specifications to be furnished by the City Surveyor and to be approved by the City Council.

ART. 1035. (1) That the portion of the harbor inside of the revetment levee from the New Canal to Astredo's house be and the same is set apart and designated as a mooring place for the yachts of the members of the Southern Yacht Club; provided, said club will bind itself to place a keeper at the bridge at the intersection of the New Canal and the revetment levee and also keep said bridge in good repair at the club's own expense.

ART. 1036. That Ordinance No. 4955 and Ordinance No. 7200, A. S., be and the same are hereby amended so as to read as follows: That the harbor inside the revetment levee from the New Canal to the upper Protection Drainage Canal, and from a line running in the rear of lots Nos. 1 to 25 inclusive, as per plan of the City Surveyor, and extending to the lake shore front inside the revetment levee and including lots Nos. 1 and 2, fronting on the revetment levee, are set aside and designated as a mooring place for the yachts belonging to the members of the Southern Yacht Club; and the said Southern Yacht Club to have the privilege of making such betterments and improvements as they deem expedient to provide a proper harbor for their vessels. Such improvements to be approved by the City Engineer.

ART. 1037. That the said privilege be granted to the Southern Yacht Club for the period of twenty-five years from the passage of this ordinance for and in consideration that the said yacht club shall keep the bridge joining the shellroad to the revetment levee in good order and to maintain a keeper for said bridge at their own expense.

Mooring place
for Southern
Yacht Club.
A. S. 4955.
Mar., 1879.

Mooring place
Southern
Yacht Club.
Ord. No. 11,503,
C. S.
Oct. 22, 1895.

Term of grant,
1b.

- Reservation.** ART. 1038. The city of New Orleans reserving the right
Ib. to utilize at any time West End Bay in her system of drainage or for any other purpose the city may require.
- Reversion to city.** ART. 1039. At the expiration of this privilege the
Ib. buildings and improvements shall revert to the city of New Orleans.
- Repealing clause.** ART. 1040. That all ordinances or parts of ordinances
Ib. conflicting with the provisions of this ordinance be and the same are hereby repealed.
- Privilege to Riverside Rowing Club.** ART. 1041. That permission be and is hereby granted
Dec., 1881. to the Riverside Rowing Club the right to erect a boat-house at West End, or New Lake End.
A. S. 7476.

JOHN SCHNECKENBERGER.

- Lot 7, West End.** ART. 1042. (1) The lot or building site on the inner
Ord. No. 7786, side of the revetment levee at West End, designated by
A. S. May 2, 1882. the number 7, on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to John Schneckenberger, for a term of twenty-five years from the passage of this ordinance, for and in consideration of the sum of two hundred dollars, to be by him paid to the city of New Orleans, in cash, on completion of notarial act.
- Lease.**
- Proviso.** ART. 1043. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor, and approved by the Administrator of Commerce, and the construction of the same to be under the immediate supervision of the said Administrator and City Surveyor, and if the said buildings are not constructed in accordance therewith, and in accordance with existing ordinances, this grant shall be null and void. The said building or buildings, at the expiration of said lease, shall revert to the city of New Orleans, free of all expense, costs or charges whatsoever.
- Notarial act.** ART. 1044. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial act with the said John Schneckenberger

(the same to be signed and completed within thirty days from the passage of this ordinance), for the faithful execution of said lease, according to the conditions herein set forth.

G. C. BOHNE.

ART. 1045. (1) That the lot or building site on the inner side of the revetment levee at West End, designated by the number 13, on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to G. C. Bohne, for a term of twenty-five years from the passage of this ordinance, for and in consideration of the sum of two hundred dollars, to be by him paid to the city of New Orleans, in cash, on completion of notarial act.

Lot 13, West
End.
Ord. No. 7826
A. S.
May 16, 1882.

Lease.

ART. 1046. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and approved by the Administrator of Commerce, and the construction of the same to be under the immediate supervision of the said Administrator and City Surveyor, and if the said buildings are not constructed in accordance therewith, and in accordance with existing ordinances, this grant shall be null and void. The said building or buildings, at the expiration of said lease, shall revert to the city of New Orleans, free of all expense, costs or charges whatsoever.

Proviso. Ib.

ART. 1047. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial act with the said G. C. Bohne (the same to be signed and completed within thirty days from the passage of this ordinance) for the faithful execution of said lease, according to conditions hereinbefore set forth.

Notarial act.
Ib.

DANIEL C. HARRISON.

ART. 1048. (1) That the lot or building site on the inner side of the revetment levee at West End, designated by the number 18, on a plan in the office of the Administrator of Commerce, made in accordance with Ordi-

Lot 18, West
End.
Ord. No. 7759
A. S.
April 18, 1882.

Lease.

nance No. 7134, be and the same is hereby let, leased or hired to Daniel C. Harrison, Esq., for a term of twenty-five years from the passage of this ordinance for and in consideration of the sum of two hundred dollars, to be by him paid to the city of New Orleans, in cash, on completion of notarial act.

Proviso.

ART. 1049. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and approved by the Administrator of Commerce; and the construction of the same to be under the immediate supervision of said Administrator and City Surveyor. The said building or buildings, at the expiration of said lease, shall revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.

Notarial act.
Ib.

ART. 1050. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial contract with the said Daniel C. Harrison, for the faithful execution of said lease, according to the conditions hereinbefore set forth.

T. BRUNING.

Lot 16, West
End.
Ord. No. 7768
A. S.
Amended by
Ord. No. 3079
C. S.

ART. 1051. (1) That the lot or building site on the inner side of the revetment levee at West End, designated by the number 17 on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to T. Bruning, Esq., for a term of twenty-five years from the passage of this ordinance, for and in consideration of the sum of one hundred and fifty dollars, to be by him paid to the city of New Orleans, in cash, on completion of notarial act.

Lease.

Proviso.

ART. 1052. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and approved by the Administrator of Commerce, and the construction of the same to be under the immediate supervision of the said Administrator and City Surveyor. The said building or buildings, at the expira-

tion of said lease, shall revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.

ART. 1053. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial contract with the said T. Bruning (the same to be signed and completed within thirty days from the passage of this ordinance) for the faithful execution of said lease, according to the conditions herein set forth.

Notarial act.
Ib.

JEAN PRAT.

ART. 1054. (1) That the lot or building site on the inner side of the revetment levee at West End, designated by the number 19, on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to Jean Prat for a term of twenty-five years from the passage of this ordinance, for and in consideration of the sum of one hundred and twenty-five dollars, to be by him paid to the city of New Orleans, in cash, on completion of notarial act.

Lot 19, West
End.
Ord. No. 8911,
A. S.
June 27, 1882.

Lease.

ART. 1055. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and approved by the Administrator of Commerce, and the construction of the same to be under the immediate supervision of the said Administrator and City Surveyor, and if the said buildings are not constructed in accordance therewith and in accordance with existing ordinances, this grant shall be null and void. The said building or buildings, at the expiration of said lease, shall revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.

Proviso.
Ib.

ART. 1056. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial act with the said Jean Prat for the faithful execution of said lease, according to the conditions hereinbefore set forth.

Notarial act.
Ib

E. L. ISRAEL.

- E. L. Israel.
Ord. No. 8128,
A. S.
Nov. 9, 1882.
- ART. 1057. (1) That forty feet by one hundred feet of the space on the inner side of the revetment levee between the sites now occupied respectively by Thos. H. Handy and John Astredo, on which now stands the yacht house of E. L. Israel, Esq., be and the same is hereby let, leased or hired to the said E. L. Israel for a term of twenty years from the passage of this ordinance for and in consideration of the sum of one hundred dollars, to be paid by him to the city of New Orleans, in cash, on completion of notarial act.
- Lease.
- ART. 1058. (2) That on or after the expiration of this lease, all buildings or other structures erected or to be erected thereon shall revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.
- Proviso. Ib.
- ART. 1059. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial contract with the said E. L. Israel for the faithful execution of said lease according to the condition therein contained.
- Notarial act. Ib.
- ART. 1060. (4) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.
- Repealing clause Ib.
- ART. 1061. (5) That E. L. Israel be required to erect the buildings on said property according to plans and specifications to be furnished by the City Surveyor, and in default of same this privilege to be null and void; provided, that this does not interfere with any grant previously made by the city.
- Plans and specifications. Ib.
- ART. 1062. (2) That ordinances Nos. 4481, 7047 and 7121, conveying to said Thos. H. Handy, agent, and John Astredo and Antonio Cordero, certain privileges according to the conditions therein contained, be and the same are hereby reinstated and renewed, and is hereafter to be of full force and effect, and that the said grantees shall enjoy the full benefits of said lots or building spaces during the full term of their original grant and according to the conditions contained in each respective ordinance.
- A. S. 7168.
July, 1881.

ART. 1063. (3) That Ordinance No. 4481 be amended that at the end of twenty-five years the said improvements and buildings of the said Thomas H. Handy, agent, revert to the city of New Orleans without expense whatsoever to the city.

Reversion.
Id.

ART. 1064. (1) That Joseph Merancovich be and is hereby recognized as the transferee of the rights and privileges in and to a certain lot or space of ground with buildings thereon, situated at West End revetment and granted to said Thos. H. Handy, agent, by Ordinance No. 7198, A. S., said transfer having been made by notarial act before Samuel Flower under date of April 14, 1883.

Transferee to
T. H. Handy.
Ord. No. 796,
C. S.
July 29, 1884.

ART. 1065. (1) That the lot or building space on the inner side of the revetment levee at West End, designated by the number 10 on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to Albert Frederick, Esq., for a term of twenty-five years from the date hereof, for and in consideration of the sum of four hundred dollars to be by him paid to the city of New Orleans on completion of notarial act; and provided, that all buildings to be placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and under the supervision of the Administrator of Commerce, and at the expiration of said term of lease the said building or buildings to revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.

Lease of lot
to A. Frederick
A. S. 7363.
Oct. 1887.
A. S. 7381.
Oct. 1881.

ART. 1066. (2) That the Honorable Mayor be and is hereby authorized to enter into notarial act with the said Frederick for the lease of said lot number 10, according to the conditions hereinbefore set forth.

E. S. BOWMAN.

ART. 1067. (1) That the lot or building space on the inner side of the revetment levee at West End, desig-

Lot 12, West End.
Ord. No. 7787
A. S.
Amended by
Ord. No. 6544,
C. S.

nated by the number 12, on a plan in the office of the Administrator of Commerce, made in accordance with Ordinance No. 7134, be and the same is hereby let, leased or hired to E. S. Bowman, for a term of twenty-five years from the passage of this ordinance, for and in consideration of the sum of two hundred dollars, to be paid to the city of New Orleans on completion of notarial act.

Lease.

Proviso. Ib. ART. 1068. (2) That all buildings to be erected or placed thereon shall be constructed according to plans and specifications to be furnished by the City Surveyor and approved by the Administrator of Commerce, and the construction of the same to be under the immediate supervision of the said Administrator and City Surveyor. The said building or buildings, at the expiration of said lease, shall revert to the city of New Orleans, free of all expenses, costs or charges whatsoever.

Notarial act. ART. 1069. (3) That the Honorable Mayor and Administrator of Finance be and are hereby authorized to enter into notarial contract with the said E. S. Bowman (the same to be signed and completed within thirty days from the passage of this ordinance), for the faithful execution of said lease, according to the conditions hereinbefore set forth.

MICHAEL CARROLL.

Lot 9, West End.
Ord. No. 268,
C. S.
April 24, 1883.

ART. 1070. (1) That the lot represented by the number 9, on a plan drawn by the City Surveyor, and on file in this office, on the inside of the revetment levee at West End, be and the same is hereby let, leased and hired unto Michael Carroll for the term of twenty-five years from the date of the promulgation of this ordinance, for and in consideration of the price and sum of one hundred dollars, to be paid to the city of New Orleans, in cash, on completion of notarial act accepting this ordinance; provided, that after the expiration of this lease all buildings and improvements on the property shall revert to and become the property of the city of New Orleans without any cost or expense whatever.

Lease.

Reversion.

ART. 1071. (2) That the Mayor be authorized to enter into contract for said lease, that the buildings to be erected on said lot shall be according to plans and specifications to be furnished by the City Surveyor. Notarial act

ART. 1072. (3) That all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed. Repealing clause.

ACT OF LEGISLATURE.

ACT No. 42 OF 1855.

SECTION 1. That whenever the riparian owner of any property in the incorporated towns or cities in this State is entitled to the right of accretion, and batture has been formed in front of his land more than is necessary for public use, which the corporation withholds from him, he shall have the right to institute suit against the corporation for so much of the batture as may not be necessary for public use; and if it be determined by the court that any portion of it be not necessary for public use, it shall decree that the owner is entitled to the property, and shall compel the corporation to permit him to enjoy the use and ownership of such portion of it.

DECISIONS OF SUPREME COURT.

Batture is an elevation of the bed of a river under the surface of the water; it is, however, sometimes used to denote the same elevation when it has risen above the surface of the water. 6 M. R. 216.

The intervention of a public road between the front tract and the river does not deprive the proprietor of the tract of his right to the batture. 6 M. R. 230, and 18 La. R. 236; 8 N. S. 876.

By alluvion is understood that which is added to land little by little, so that we can not know how much is added at each moment of time; he, therefore, who owns land bounded by the river acquires whatever is added to it, as he supplies the loss of that which is taken from it. 9 M. 656.

The right to take earth and sand from the batture is not a corporate right, but one common to every inhabitant of the city. The use of this right is to be so regulated as not to defeat other great objects of the dedication. The city has a right to use the earth taken from the batture for the construction of wharves, levees, etc., and for improving the port and the streets and avenues leading to it. 12 La. 49; 18 La. 278; 7 An. 76.

According to the terms of the compromise between the city of New Orleans and the front proprietors and private claimants of the batture, dated September 20, 1820, the entire batture and open space between New Levee street and the river in front of

Faubourg St. Mary is dedicated to public uses, and to those which it is naturally destined as a part of the port of New Orleans. The administration of this public place and the batture on it is confided exclusively to the Second Municipality, whose duty it is to administer it in such manner as to promote the important purpose for which it was dedicated, and not to impede any right to the use of it by the citizens generally. 12 La. 49; 18 La. 278.

By the act of 30th April, 1853, every riparian proprietor within the limits of corporate towns in this State is authorized to sue the corporation for the occupation of so much of the batture in front of his property as may be necessary for public use. 10 An. 54.

Previous to the compromise of September, 1820, between the city and various claimants of the batture of the Faubourg St. Mary, the levee followed the outer edge of Tchoupitoulas street, which was the original high road along the river bank, and for lots of private occupation could not have been lawfully laid out upon the soil of Tchoupitoulas street. 12. An., p. 500.

The act of the Legislature of the 21st March, 1850, authorizing the city of New Orleans to lay out and establish lots upon the batture in front of the Faubourg St. Mary, raised an interdict, which the Legislature had imposed by the act of March 8, 1836, upon the private occupation of the batture outside of New Levee street. 12 An. 500.

Until the act of the Legislature of 3d of April, 1853, the corporation had the exclusive right to determine where and to what extent the riparian proprietors might take possession of the batture. 12 An. 500.

The division of the batture outside of New Levee street, as far as Front street, into streets and squares, was not an appropriation of the property, so far as the streets were concerned, of which the riparian proprietors had never been in possession. 12 An. 500; 13 An. 349.

By the terms of the act of the Legislature of the 30th April, 1853 (Sess. Acts, p. 298), the proprietors of batture in the limits of the city of New Orleans, in reducing the batture to private occupation, are bound to leave open to public use, without charge, whatever space may be required by the corporation for public highways or streets. 13 An. 249.

Held: That the batture outside of Front street is susceptible of private occupation, without injury to the rights of the public upon the banks of the Mississippi river, within the corporate limits of New Orleans. 13 An. 154; 13 An. 105; 10 An. 54.

Also 34 An. 310, 839; 35 An. 462; 43 An. 217.

LEAVES OF ABSENCE.

ART. 1073. That from and after the passage of this resolution no leave of absence, except in case of illness, shall be granted to any employee of the city through any source other than that of the City Council.

By whom
granted.
Ord. No. 1400,
C. S.
Sept. 1, 1885.

LEGACIES—See ASYLUMS AND TRUST FUNDS.

LEPERS—See HOSPITALS.

LEVEE BOARD—See LANDS AND LEVEES.

LEVEE DUES—See WHARVES AND LANDINGS.

LEWD WOMEN.

ART. 1074. That public prostitutes or notoriously lewd and abandoned women are forbidden to stand upon the sidewalk in front of or near the premises they may occupy, or at the alleyway, door or gate of such premises, or to occupy the steps thereof, or to accost, call or stop any person passing by, or to walk up and down the sidewalks, or to stroll about the city streets indecently attired, or in other respects so to behave in public as to occasion scandal or disturb and offend the peace and good morals of the people.

Not to stand
on sidewalks.
Ord. No. 4434,
C. S.
April 15, 1890.

ART. 1075. (2) That it shall not be lawful for any lewd woman to frequent any cabaret or coffee-house or to drink therein.

Not to frequent
drinking sa-
loons. Ib.

ART. 1076. (3) That all houses, buildings or rooms occupied or inhabited by lewd women, and all houses of prostitution and of assignation, shall at all times be subject to the visitation of the police, and it shall be the duty of the police, while strictly enforcing the provisions of this ordinance, to extend to such lewd and abandoned

Sub ect to
police surveil-
lance at all
times. Ib.

Entitled to women the same protection given to other inhabitants of protection. this city.

Limits.
Ord. No. 4929,
C. S.
May 27, 1895.

ART. 1077. (4) That it shall not be lawful for any public prostitute or woman notoriously abandoned to lewdness to occupy, inhabit, live or sleep in any house, room or closet situated without the following limits, and that said women are excluded from any other portion of the city outside of the limits now specified, viz. : South side of Poydras street from the Mississippi river to Claiborne street, west side of Claiborne street from Poydras to St. Louis street, north side of St. Louis from Claiborne street to the river, and along the river bank from St. Louis to Poydras street; provided, that nothing herein shall be so construed as to give the right to any lewd women to occupy a house, etc., as herein provided, in any particular portion of the city.

Unlawful to
reside outside
limits under
certain condi-
tions.

Ib.

ART. 1078. (5) That it shall not be lawful for any public prostitute notoriously abandoned to lewdness to occupy, inhabit, live or sleep in any one-story house, or a room or closet of the first or lower story of any house in the city of New Orleans outside of the limits specified in section 4 of this ordinance.

Houses of pros-
titution pro-
hibited with-
in certain
limits.

Ib.

ART. 1079. (6) That it shall not be lawful to establish or carry on a house of prostitution or assignation within the limits specified in section 4 of this ordinance.

Renting room,
house, etc., in
violation of
Ord.

Ib.

ART. 1080. (7) That any person, whether agent or owner, who shall knowingly rent or hire, or continue to rent or hire, after being notified by the Mayor that he or she is acting in contravention of this ordinance, any house, building or room to any woman or girl notoriously abandoned to lewdness, shall be brought before the Recorder of the district in which the offence is committed and punished as provided in section — of this ordinance.

Notice to quit
by the Mayor.

Ib.

ART 1081. (8) That wherever a house of prostitution or assignation, within or without the limits established by this ordinance, may become dangerous to public morals, either from the manner in which it is conducted or the character of the neighborhood in which it is situated, the Mayor may, on such facts coming to his knowl-

edge, order the occupant of such house, building or room, to remove therefrom within a delay of five days, by service of notice on such occupants in person, or by posting the notice on the door of the house building or room, to remove therefrom, within a delay of five days, and upon such occupants failing to do so, each shall be punished as provided in section 10 of this ordinance.

ART. 1082. (9) That in the event that the occupants of such house, building or room, referred to in section 8, do not remove therefrom after the infliction of the penalty, the Mayor is authorized to close the same and to place a policeman at the door of such premises to warn away all such parties who shall undertake to enter.

Mayor authorized to close place. Ib.

ART. 1083. (10) That any person or persons who shall violate the provisions of this ordinance or who shall disturb the tranquillity of the neighborhood, or commit a breach of the peace, shall be subject to a fine not exceeding \$25, to be imposed by the Recorder of the district in which the offence shall be committed, and in default of payment of the fine to imprisonment in the parish prison for a term not exceeding thirty days.

Penalty. Ib.

ART. 1084. (11) That each day any person shall continue to violate the provisions of this ordinance shall constitute a separate offence.

Separate offences. Ib.

ART. 1085. (12) That Ordinance 3267, O. S. ; 3428, O. S. ; 7141, A. S. ; 7325, A. S., and 2051, C. S., on the same subject as this ordinance be repealed.

Repealing certain ordinances. Ib.

ART. 1086. (13) That nothing in this ordinance shall be taken to affect or repeal Ordinance 4101, C. S., relative to prostitutes on Canal street, or Ordinance 3430, C. S., relative to prostitutes in the Fifth District, nor to allow prostitutes to occupy, inhabit, live or sleep in any house, room or closet, situated on the following streets, viz. : Rampart, St. Louis and Conti streets.

Excepting certain localities. Ib.

ART. 1087. That it shall be unlawful for any woman notoriously abandoned to lewdness to occupy, inhabit, live or sleep in any house situated within the following limits of the Fifth District of this city :

Fifth District limit. Ord. No. 3430. C. S.

Along the line of the Mississippi river from the upper

- Limits.** Ib. line west of Madison street to Newton, north of Newton to Verret, west of Verret to Homer, north of Homer to Verret avenue, and along the Verret Canal to the cemetery, both sides.
- Duty of Police.** ART. 1088. (2) That it shall be the duty of all police Ib. officers, policemen and watchmen to arrest any woman or girl found in contravention of the foregoing section and take her before the Recorder of said district, who shall impose upon her a fine not less than five (\$5) dollars or more than twenty-five (\$25) dollars, and in default of payment thereof shall condemn her to not more than thirty days' imprisonment. And said Recorder shall notify such woman or girl to remove from and quit the premises so occupied or inhabited by her within three days from such notification, under penalties imposed by said section.
- Penalty.**
- Renting room, house, etc.** Ib. ART. 1089. (3) That each and every person who shall rent or hire any house, building or room, to any woman or girl notoriously abandoned to lewdness in contravention of this ordinance shall pay a penalty of fifty (\$50) dollars for each and every girl or woman, such person shall rent or hire as aforesaid.
- Penalty.** Ib. ART. 1090. (4) That no house or building or room known as an assignation house shall be permitted to be operated within the limit as mentioned in Article 1 of this ordinance under penalty as mentioned in section 2.
- Unlawful to live on Canal street.** Ib. ART. 1091. (1) That it shall not be lawful for any prostitute or woman notoriously abandoned to lewdness to occupy, inhabit, live or sleep in any house on Canal street.
Ord. No. 4101, C. S. Nov. 12, 1889.
- Unlawful to rent or hire any house, etc., on Canal street.** Ib. ART. 1092. (2) That it shall not be lawful to rent or hire any house, building or room on Canal street to any woman or girl notoriously abandoned to lewdness.
- Penalty.** Ib. ART. 1093. (3) That any person who shall knowingly violate the foregoing provisions of this ordinance shall, on conviction before the Recorder of the district in which the offence shall be committed, be fined not more than \$25, and in default of payment of the fine to imprisonment in the parish prison for a term not exceeding thirty days.

ART. 1094. (4) That each day that the provisions of this ordinance shall be violated, shall constitute a new offence and subject the violators to the punishment imposed by section 3 of this ordinance. Separate offences. Ib.

ART. 1095. That whenever any person shall have been found guilty by any competent court of keeping a house of prostitution or of assignation in violation of city ordinances, and said person shall have failed to remove from said house, it shall be the duty of the Mayor, after five days' notice to the occupant or occupants of said house, to cause the police to eject all the occupants from said house and to close the same, and to carry the keys thereof to the Mayor; and the Mayor shall not return said keys to the owner of said house until said owner shall have subscribed in favor of the city of New Orleans a bond of \$500, with good and solvent security, conditioned that said house shall not be used for such prohibited uses of prostitution or assignation, said bond to be in force for the period of one year from date thereof. Duty of Mayor
Ord. No. 566a
C. S.
Oct. 9, 1891.

Owner to give
bond. Ib.

LIBRARY.

Whereas, a great library thoroughly equipped and centrally located would be an attraction to our citizens, as well as to visitors, and would redound to the intellectual culture and welfare of the public; and

Whereas, the building forming the corner of Lafayette and Camp streets, and lately occupied by the Criminal District Court, is now vacant, and is well adapted to this purpose.

ART. 1096. That said building be and is hereby dedicated for the use and purpose of a public library. Dedicated
Criminal Court
building to use
of library.
Ord. No. 10,254,
C. S.
Jan. 29, 1895.

ART. 1097. That the City Engineer be and he is hereby directed to prepare plans and specifications for the alteration of the interior of said building to meet the requirements and wants of such purpose. Plans and
specifications.
Ib.

ART. 1098. That Ordinances Nos. 5226, 6256, Council Series, and all other ordinances or parts of ordinances Repealing all
ordinances pro-

viding for sale of building. directing the sale of the building known as the St. Patrick's Hall be and the same are hereby repealed.

Ord. No. 10,221,
C. S.

Jan. 22, 1895.

ART. 1099. That the City Library and Lyceum Hall

Under control of the Mayor.

Jan., 1873.

A. S. 1966.

shall be under the control and supervision of the Mayor with full authority to prescribe rules for the regulation of the same.

Librarian.

Ib.

ART. 1100. (2) That the Mayor is hereby authorized to appoint a librarian for the City Library at a salary not to exceed \$1800 per annum, payable monthly, and to assign and determine the duties of the said librarian.

Hours.

Ord. No. 8544,

C. S.

Jan. 2, 1894.

ART. 1101. That the said public library shall be kept open daily for the access of the public between the hours of 9 A. M. and 3 P. M., and from 6 P. M. to 10 P. M., Sundays and holidays excepted.

Assistant Librarian.

Ib.

ART. 1102. That the Mayor be and he is hereby authorized and directed to appoint an assistant librarian, whose salary is hereby fixed at the rate of — dollars per month, whose duty it shall be to take charge of said library between the hours of 6 P. M. and 10 P. M.

Repealing Sec. 3, Ord. No. 1966, A. S.

ART. 1103. That section 3 of Ordinance No. 1966, A. S., be and the same is hereby repealed.

Consolidating libraries of First, Second, Third and Fourth Districts.

Ord. No. 6140,
C. S.

ART. 1104. (1) That the public school libraries of the First, Second, Third and Fourth Districts of the city of New Orleans shall be consolidated and kept at the city hall, and shall be called the public library of the city of New Orleans.

Juvenile department.

de-

ART. 1105. (3) Books from the juvenile department of said library shall be delivered free of charge to scholars connected with the public schools of New Orleans.

Free to teachers.

to

ART. 1106. (4) Books from said library shall be delivered free of charge to teachers connected with the public schools of New Orleans.

Subscribers.

Ib.

ART. 1107. (5) Books from said library shall be delivered to subscribers, residents of New Orleans, at such charge per month or year as may be fixed by the board of directors.

Moneys received.

re-

ART. 1108. (7) All moneys received from the delivery of books from said library, or from donations made to said library, shall be paid into the treasury of New Or-

leans to be credited to said library, and expended in the advancement thereof.

ART. 1109. (8) The city of New Orleans does hereby appropriate the sum of five thousand dollars a year, to be paid in the month of January of each year, for the use and benefit of said library; the first payment thereof to be made in January, 1864.

ART. 1110. That the ordinance of the former Council of Municipality No. 2, entitled "An ordinance providing for the establishment of a lyceum and library," etc., approved December 3, 1844, be and the same is hereby so amended that the directors of said society may, in their discretion, extend the privilege of life membership to all the white youth of the city, and to other contributors, on such terms and conditions as said directors may deem compatible with the interests of the society, and may grant such certificates of life or honorary membership as they may deem appropriate; provided, that no greater sum than nine dollars shall be required of any pupil of the public schools, as prescribed in said ordinance; that the society shall always be designated as the Lyceum and Library Society.

Ordinance No. 4439, approved March 18, 1859.

See Act of 1855, page 459, relative to the State Library.

Ordinance No. 11,295, C. S., advertises for bids for repairs to old St. Patrick's Hall.

Ordinance No. 11,559, C. S., accepting bid of John McNally.

LINTON-SURGET LIBRARY OR HALL.

WHEREAS, Mrs. Eustace Surget, who died a few months ago in Bordeaux, France, requested her sister, Mrs. C. B. Surget, whom she made her sole legatee, to donate to the city of New Orleans certain books, paintings, statuary and objets d'arts, upon the condition that a room or hall should be selected where they should be deposited and cared for, for the benefit of the public, which room or hall should be designated and always known as the Linton-Surget Library or Hall; and

WHEREAS, Mrs. C. B. Surget has notified the city of her intention to carry out said bequest, and has also notified the city that she proposes to arrange with the Tu-

Appropriation.
Iq.

Life membership.
Ord. No. 4439.
O. S.
Mar. 18, 1859.

Accepting Tulane University of Louisiana for the preparation of a gift.
Ord. No. 3735, proper room for the deposit of said books, statuary and
C. S. May 14, 1889. objet d'arts, the said room or hall to be known as the

Tulane University of Louisiana made depository of Board at its expense, which the acceptance of this ordinance by said board will impart an obligation on it so to do.

ART. 1111. (1) That the gift of Mrs. Eustace Surget be and the same is hereby accepted.

City to be put to no expense. ART. 1112. (2) That the Tulane University of Louisiana be selected as the perpetual depository of said gift, upon the condition that the said Tulane University of Louisiana place said gift, in accordance with the intention of the donor, in a library or room to be known as the Linton-Surget Library or Hall, and provided therein for the due custody and care thereof, at the cost of the said board.

Provided, That the city be put to no expense in the preparation of said room and be liable for no costs whatever, present or prospective, resulting from the acceptance and deposit of the objects aforesaid.

FOR FISK FREE LIBRARY FUND—See *Almshouse, Asylums, Charitable Institutions and Trust Funds.*

LICENSE.

See CITY CHARTER.

Post in a conspicuous place. ART. 1113. That each person, association of persons, business firms and corporations required to take out a license to prosecute or carry on any vocation, calling or business in this city, shall post the license conspicuously in his or their place of business; and whoever shall fail to so post his or their license shall, on conviction, before the Recorder within whose district the offence is committed, be condemned to pay a fine of not more than twenty-five dollars, and in event of the failure to pay the fine imposed be condemned to suffer imprisonment in the parish prison for not more than thirty days.

ART. 1114. Police officers of this city shall have the right to enter upon all business premises for the purpose of inspecting same, and to see that licenses are paid and posted in accordance with law; and it shall be the duty of said officers to report to the Mayor's office all persons who have no licenses, or who have improper or underpaid licenses, and those who have failed to post same in accordance with section 1 of this ordinance. And any one who shall obstruct or impede the police in the discharge of the duties herein imposed, or who shall refuse to exhibit the license paid for the business carried on, on the premises inspected, shall, on conviction before the Recorder within whose district the offence is committed, be fined in a sum not exceeding twenty-five dollars; and in the event of failure to pay the fine imposed be condemned to suffer imprisonment in the parish prison for not more than thirty days.

Duty of Police.
Ib.

Penalty.

ART. 1115. That it is hereby made the duty of the City Attorney to obtain judgment against all persons owing licenses to the city of New Orleans, and upon their failure to pay the same to obtain an injunction prohibiting them from pursuing the business for which the license is due, and to cause to be punished any violation of the injunction, the whole according to law.

Duty of City
Attorney.
Ord. No. 4102,
C. S.
Nov. 12, 1839.

ART. 1116. That in all cases in which the city has issued licenses upon affidavits which it is believed did not properly and fully represent the extent of the business carried on and the result thereof, the Assistant City Attorney is directed to institute necessary proceedings to recover whatever balance may be due the city in such cases.

Duty of As-
sistant City At-
torney.
July, 1881.
A. S. 7213.

ART. 1117. That contracts be entered into between the constables of the City Courts, or such constables as may signify their acquiescence in the terms hereof, and the city of New Orleans under the supervision of the City Attorney, and that the terms thereof as hereafter set forth be and the same are hereby ratified and approved. The said contract provides:

To contract
with Consta-
bles.
Ord. No. 11,036
C. S.
July 23, 1895.

ART. 1118. That the city of New Orleans shall bring its license suits in the city courts where amounts in-

Suits.
Ib

volved are \$100 and less, and the said constables of the city courts agree and bind themselves or each of them to serve all papers and processes of the said city courts in said suits on a contingent fee as follows:

Fees to be paid out of judgments realized. ART 1119. If any money be realized on any judgment on said license suit the said constables of the city courts

Ib. are to be paid their fees. If, however, nothing is recovered on said judgment, the said constables agree and bind themselves not to charge any fee.

Costs to be paid if time is granted. ART. 1120. If any time be granted for the payment of any license, after said suit has been instituted by the

Ib. city in said city courts, the constable cost shall be paid in all cases before the time granted or allowed.

Costs to be paid if license is received at Treasurer's office. ART. 1121. If any license suit filed in the city court and the license for which said suit is instituted is paid at the City Treasurer's office without the constable being

Ib. first paid, the city shall bind itself to pay the constable his cost for all services rendered in said suit.

Not to apply prior to July 5, 1895. ART. 1122. This contract of agreement shall not apply to any suits filed previous to July 5, 1895.

Mayor authorized to contract. ART. 1123. That the Mayor be and he is hereby authorized to sign a contract in accordance with this ordinance.

Ib. Ordinances adopting license: Nos. 2035, 2149, 2361, 3006, 3375, 4109, 4412, 4921, 5015, 5088, 5775, 5833, 6996, 10,074.

LIGHTS.

Comptroller to advertise. ART. 1124. That the Comptroller be and is hereby instructed to advertise for sealed proposals to be received

Ord. No. 6176 C. S. by him from responsible bidders up to 12 o'clock on

March 29, 1892 April 4, 1892, to light by electricity the streets and public buildings of the city of New Orleans for a term of five or ten years at the option of the city, commencing January 1, 1893. The said bids are to be opened by the Finance Committee in the Council Chamber between the hours of 12 o'clock M. and 1 o'clock P. M. on the same day.

Right to reject. The city reserves the right to reject any and all bids;

Ib. and the following are adopted as the specifications upon

which the said bills are to be made and the contract for said lighting shall be awarded :

ART. 1125. (2) Bidders must state in writing and figures price per lamp per year, as per these specifications.

Bidders. Ib.

ART. 1126. (3) As a condition precedent to the opening of any proposal for electric lighting under these specifications, any party receiving a consideration of his bid shall, at the time of depositing such bid, deposit with the City Treasurer a cash deposit of the sum of fifty thousand dollars (\$50,000) in United States currency; and no bid shall be opened or considered which is not accompanied by the certificate of the City Treasurer that such deposit has been made. The said deposit so made being with the distinct understanding and agreement that when the City Council shall award said contract to said bidder, and the same shall be accepted by him, then the said deposit shall be returned to him. But in case such award is made to a party so depositing, and he, for a period of thirty days, neglects or refuses to enter into a contract on the basis of these specifications, then in such case the money so deposited shall become the property of the city of New Orleans as liquidated damages for such failure.

Deposits. Ib.

ART. 1127. (4) The lamps shall be suspended at or near the centre of the intersection of streets.

Lamps suspended. Ib.

ART. 1128. (5) The means of suspension shall be cranes, and they shall not be less than thirty-five (35) feet from the ground; except on the neutral ground, where they may be pole lamps, with hoods, etc., similar in design to those now in use, or on towers as located.

Means of suspension. Ib.

ART. 1129. (6) The lamps if but two blocks apart shall be placed at such height as to allow or cause their densest rays to strike the earth at a point one hundred and seventy-five (175) feet distant in all directions; if the lamps are placed three blocks apart, their height shall be such as to cause their most intense rays on the ground at points three hundred (300) feet distance in all directions.

Height of. Ib.

ART. 1130. (7) The poles may be of wood, which shall be of heart timber (or they can be of round cedar con-

Poles. Ib.

taining the same number of feet) not less than (9) nine inches square on the ground, nor less than six (6) inches square at the top, and shall have the edges between the top and a point six (6) feet above the ground nicely chamfered. They shall be painted and bear the name of the company and number of the lamp.

Light. Ib. ART. 1131. The lights of each lamp must be of the standard arc sixteen hundred (1600) or two thousand (2000) candle power, according to the photometer method of measurement. All arc lamps must be of either the double or elliptic carbon pattern.

Regular. Ib. ART. 1132. All lights must be of regular and constant illumination, and at no time during the night give less illumination than the above defined candle power.

Burners. Ib. ART. 1133. Burners must be of the latest improved pattern; the most approved globes and hoods must be used on the lamps to protect them from inclement weather, in order that their reliability may be of the highest order obtainable, and free from changes due to extremes of temperature, and be so attached as to catch all sparks or fragments of carbons or other materials used in producing the light.

Globes and hoods.

Cleaning. Ib. ART. 1134. The burners and globes are to be cleaned before each lighting, and when they are broken or unfit for use, must be replaced with a new one within one day.

Poles replaced. Ib. ART. 1135. If any of the poles are broken or decayed they must be immediately repaired or replaced with a new one.

Hours of lighting. Ib. ART. 1136. (13) The lamps are to be lit within one-half hour after sunset and kept so burning during each and every night during the term of the contract, to the half hour before sunrise.

Candle power to be tested by City Surveyor. Ib. ART. 1137. (14) The candle power of the lamps shall be measured by photometer monthly or oftener, by the City Surveyor, and in the event of failure to furnish the requisite candle power as shown by the said tests, the party obtaining the contract shall agree and bind themselves to pay to the city the amount they receive pro rata from each light from the city for said deficient

light or lights for each and every night that such deficiency is shown by the said tests; and further bind themselves to pay to the city the amount they receive pro rata for each night or nights for all lamps reported out for a space of time.

Provided, however, that when in case of fire, circuits are shut down by order of the Chief Engineer of the Fire Department, no deductions shall be made for lights out on said circuits during the time of such shutting down.

In case of
fire. Ib.

ART. 1138. In order to insure the power of the lights being of the standard sixteen hundred (1600) to two thousand (2000) candle power, the dynamo generating the power for such currents shall be so constructed as to give a current of nine and a half ($9\frac{1}{2}$) amperes, and from forty-seven (47) to fifty (50) volts per lamp; and shall have the latest improved automatic regulator, so arranged that any or all lamps can be cut out of circuit without injury to dynamo or excessive current in the wires. This regulator must, furthermore, be so arranged that should, for any reason, one or more lamps be cut out of circuit (in case of fire or other trouble) that the voltage on the line will decrease in proportion to the number of lamps so cut out, and still maintain the same amount of current in amperes.

Currents. Ib.

ART. 1139. Only the best weather-proof insulation shall be used for covering the wires; and the wires shall not be less than number five (No. 5) Brown & Sharp's gauge.

Wires and in-
sulation. Ib.

ART. 1140. In case the contract be awarded to any other than the present contractors, the party receiving the award shall tender to the present contractors the first cost of wire, poles, brackets, insulators, etc., commonly termed, and belonging to circuits used for city lighting, wherever the said circuits conform to the above specifications. And in event of failure to agree as to the first cost, it shall be settled by arbitration. (It is understood that this does not include the lamps.)

Contractor's
duty. Ib.

ART. 1141. All material and labor required for the performance of this contract are to be furnished and provided by the party obtaining the same.

Material and
labor. Ib.

Inspection. ART. 1142. The works of the company securing the
 Ib. contract shall at any and all times be open to the inspection of the committee on fire and lighting of the City Council, and free access shall be given to them to facilitate all examinations and investigations as to the number of lights furnished by each dynamo, and to show that the specifications as above are fully carried out.

Failure to fulfil contract. ART. 1143. It is further conditioned that for each and
 Ib. every day's delay in the fulfilment of the obligations of these specifications to have the city fully lighted within the time hereinbefore specified (viz., 12 o'clock midnight on the 31st day of December, 1892), the bidder to whom said contract may be awarded shall forfeit or pay to the city of New Orleans for each and every night's delay beyond the period named the sum of four hundred dollars (\$400), said sum to be so forfeited and paid to be regarded and considered as compensation for damages hereby admitted to be occasioned by any such failure. Or, the city reserves the right to deduct these sums from any payments that may be hereafter due the said bidder or contractor.

Construction and repair. ART. 1144. All construction, lighting and keeping in
 Ib. repair shall be done by and at the expense of the contractor. The intent and meaning of these specifications being that the city shall be at no expense beyond the amount to be paid for light as provided in the contract, and any additional lamps which the city may require shall be erected at the expense of the contractor, the city only paying the same rate as the original contract price.

Lamps out. ART. 1145. The outage shall be reported by the police
 Ib. to their superintendent, who will report the same to the Commissioner of Police and Public Buildings, and by him reported to the Council; and an amount equal to the price paid with 10 per cent. additional per lamp shall be deducted for the time of such outage whenever such default arises from carelessness or inattention on the part of the contractor.

Duty of Commissioner of Police and Public Buildings. ART. 1146. If it should be found that the contractor is
 Ib. wilfully violating any of the conditions of his contract or attempting to execute the contract in bad faith, the

Commissioner of Police and Public Buildings shall notify the contractor, and if said contractor does not then, within five days thereafter, take such measures as will, in the judgment of the Commissioner of Police and Public Buildings, insure a more satisfactory performance of the contract, or shall refuse to comply with all reasonable requirements of said Commissioner of Police and Public Buildings, then the said Commissioner of Police and Public Buildings shall report such neglect to the Council for such action as the Council may deem necessary.

ART. 1147. (24) When the tower system is available for the receiving of wires, and the tower contractors so notify the City Council, the said contractors shall remove the wires and conductors from the poles and place them upon the towers wherever available.

Towers.

Ib.

ART. 1148. (25) The contractor shall, at the time of entering into the contract with the city give a bond of security, satisfactory to the Council, in the sum of fifty thousand dollars (\$50,000) for the faithful performance by the contractor of his contract.

Bond.

Ib.

ART. 1149. (26) It is expressly understood that the contract between the city and the successful bidder shall of itself confer no right except for the public lighting.

Rights.

Ib.

ART. 1150. That the bid of the Louisiana Electric Light Company for electric lighting under the provisions of Ordinance No. 6176, Council Series, for the period of ten years, be and the same is hereby accepted and all other bids be rejected.

Accepting
bid of La. Elec-
tric Light Co.
Ord. No. 6278,
C. S.
April 19, 1892.

ART. 1151. (2) That the Mayor is hereby authorized and directed to enter into a notarial contract with the Louisiana Electric Light Company to light the streets and public buildings of the city of New Orleans for ten years from January 1, 1893, as per their bid and specifications of Ordinance No. 6176, C. S.

Authorizing
the Mayor to
enter into con-
tract.

Ib.

ART. 1152. (3) That when the said contract is signed and the bond provided in the twenty-fifth paragraph of the specifications is executed, the fifty thousand (\$50,000) dollars deposited by said Louisiana Electric Light Company be returned to it by the Comptroller.

Returning
bond.

Ib.

Lighting Hall, Ord. No. 8534, C. S.

LIME.

Not to store, etc.
 Ord. Aug. 17, 1829.
 Approved by
 Ord. No. 5395,
 O. S.

ART. 1153. (1) No person shall store, or cause to be carried into any part of the square of the city, any quick-lime, beyond the quantity of five barrels at a time, and that quantity must be placed only in a building protected from all humidity, and constructed in such a manner as to leave a free current of air; and the said barrels must be stowed at the distance of ten inches from one another.

How stored.
 Ib.

ART. 1154. (2) No person shall store quick-lime unless it be well dried, and placed in a store constructed and prepared for that purpose, and protected from all humidity, the flooring of which must be two feet from the ground; it must have at least two openings at its extremity, so as to afford a continual current of air, and such building must not be surrounded by any other building, wall or enclosure, which might prevent the circulation of air; it ought to be lined without and within, and boarded above the beams, in order to keep off the heat of the sun; there must be between the spaces of the rows of barrels a space of at least ten inches. The barrels must not be placed more than three barrels in height; from the moment the quick-lime so stored shall spread, so as to obstruct the circulation of the passage left between the barrels for the circulation of air, the barrels must be arranged immediately, and the lime found amongst the barrels carried away.

Penalties.
 Ib.

ART. 1155. (3) Every person contravening the present ordinance shall pay a fine, which shall not be less than fifty dollars nor more than one hundred dollars.

Surveyors to inspect, etc.
 Ib.

ART. 1156. (4) No person shall store any quick-lime previously to the City Surveyor having been called in, for the purpose of inspecting the building destined for that purpose, and that he has obtained a certificate of it; and in default of that formality, which must be strictly observed, all persons contravening it must pay the fine decreed in the third article of the present ordinance.

LIQUORS, SALE OF.

ART. 1157. (1) That from and after the promulgation of this act, if any person shall sell or give away any intoxicating drink or drinks on election day at or within one mile of any precinct where elections may be held, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one hundred dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the court, for each and every offence.

Penalty for selling or giving away, on election days, intoxicating drinks.
Act No. 26 of 1880.

ART. 1158. (21) All persons are prohibited from selling on any vessel or flatboat any beer, cider, wine or spirituous liquors in quantity less than a barrel.

On vessels.
Jan., 1867.

ART. 1159. (22) Any person committing any of the offences, or violating any of the provisions hereinbefore named, shall be fined not less than five nor more than twenty-five dollars, and if the fine be not paid he shall be imprisoned for a term not exceeding ten days.

Penalty. 1b.

Sale on Sundays, see Act 18 of 1886..

LOUISIANA SCIENTIFIC AND AGRICULTURAL ASSOCIATION—See PARKS.

LOTTERIES.

ART. 1160. (1) That it shall be unlawful for any person or persons to sell, barter, exchange, or otherwise dispose of any lottery ticket or token, policy, combination, device or certificate, or fractional part thereof, in any lottery drawn or to be drawn in or out of the city of New Orleans, unless the same be duly authorized by the laws of the State of Louisiana.

Unlawful sale of.
Ord. No. 72,
C. S.
Jan. 30, 1883.

ART. 1161. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to ex-

Penalty.
Ord. No. 5114,
C. S.
Feb. 17, 1891.

ceed thirty days in default of the payment, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

See Act 169 of 1894, p. 207, to suppress lotteries.

LOTS—See BUILDINGS.

LOUISIANA ELECTRIC LIGHT AND POWER COMPANY—See ELECTRIC LIGHT AND POWER COMPANIES.

MARKETS.

See OFFENCES.

Rates.
Ord. No. 4153
O. S.
Dec. 5, 1889.

ART. 1162. (1) That the vendors in the several public markets of this city are hereby required to pay for the use of stalls, stands and privileges at the following rates:

For butchers' stalls, three by eight feet, including block, fifty cents per day, and for each corner table an additional five cents, and for each additional running foot, five cents per day. The dimensions of the butchers' stalls shall be three by eight feet, or as near that measurement as the plan and construction of the market will permit, as designated by the City Surveyor, with the approval of the Commissioner of Police and Public Buildings.

Dryades
Market.

The same applying to all markets except the Dryades Market.
15. Market, which shall be governed as follows:

For each stall, being the space between the posts and measuring 3x14 feet, including block, at the rate of fifty cents (50cts) per day for the first eight feet, and five cents (5cts) per day for each additional running foot, corner table an additional five (5cts) cents per day, it being understood that nothing less than a stall as here described shall be let or hired.

For fish, game and vegetable stalls, three by four feet, fifteen cents per day. Fish, game,
etc. Ib.

For fruit and all other stands not specified herein, open all day, two cents per day for each and every square foot of space occupied, and that fish shall only be sold in said markets on the stands or stalls set apart for that purpose. Fruit. Ib.

For coffee, chocolate and eating stands, three by eight feet, fifty cents per day, and two cents per day for every additional foot, and for each corner table an additional sum of five cents; and it shall be the duty of the City Surveyor to designate which are corner tables. Coffee, etc. Ib.

ART. 1163. (2) All occupants of stalls or stands are required to return the same to the city in as good condition as when received from the city; and no occupant of any stall or stand shall at any time remove any part of any stall or stand without the written permission of the Commissioner of Police and Public Buildings. Return in good
condition. Ib.

ART. 1164. (3) That all kinds of meat, fowl, game, fish, vegetables, and all other perishable articles of human food, may be bought and sold at all the markets, except that no fish, fruit or vegetables shall be sold in the beef market of the Second District, and that no fresh meat of any kind shall be sold in the vegetable market of the same district, and that no fish, crabs or shrimp shall be sold in any market after 10 o'clock A. M., between the first day of May and the first day of October, and that no meats, fish or any other comestibles shall be sold in the Shakespeare Market, but same shall be reserved as a Bazaar Market. Meat, fowl, etc. Ib.

ART. 1165. (4) That the centre aisles of the following markets shall be devoted exclusively to the sale of meats, viz.: Dryades street, Tremé, Claiborne and Poydras Markets, and no stand in the said markets, except those in the centre aisles, as herein specified shall, be used for such purpose; any violation of which will subject the offender to penalties prescribed in Section 32 of this ordinance. Centre aisles,
sale of meat.
Ord. No. 4155
C. S.
Amended by
Ord. No. 4353,
C. S.
March 18, 1890

Sale of fish.
Ord. No. 4153
C. S.

ART. 1166. (5) That the sale of fish in the Ninth Street Market shall be confined exclusively to stalls situated in the side aisles in the rear of said market and the sale of fish in the Poydras and Pilie Markets shall be confined exclusively to the outside stands situated on the south side of Poydras street, from Dryades to Basin streets.

Sec. 6 repealed by Ordinance No. 6691, C. S., Sept. 6, 1892.

Signs.

ib. ART. 1167. (7) That each and every person occupying a stall or stand in any market of this city shall have his name painted in letters of four (4) inches in length, on a tin sign in a plain and legible manner, and shall place the same in a conspicuous place over the stand or stall occupied by him; and in case any person occupying a stand or stall, as aforesaid, shall not comply with this section within thirty days of the passage thereof, or shall thereafter, at any time, for more than three days consecutively, not have such sign so exposed, shall be subject to the penalties stipulated in section 32 of this ordinance.

When open.

ib. ART. 1168. (8) That the markets of this city shall be open at the dawn of day and shall close at 12 o'clock M., all the year round.

It is not intended that this section shall apply to persons occupying coffee, eating or fruit stands, nor prevent any butcher from supplying ships, steamboats, railroads and other public conveyances on the eve of departure from the city, provided the meat so supplied be not less in quantity than a quarter.

Cleanliness.

ib. ART. 1169. (9) That during the half hour immediately after the closing of the markets the occupants of stands and stalls are required to scrape, wash and cleanse the same so as to keep them in the highest state of cleanliness.

Not more than
two stands.

ib. ART. 1170. (10) No person or persons shall be permitted to occupy or control, directly or indirectly, more than two stalls or stands in any one market; and when any stall or stand shall remain unoccupied during three days consecutively, the lessee of the market shall hold the same as abandoned and subject to the demand of any

other applicant, and in the event the lessee shall refuse, fail or neglect to rent such stand or stall so unoccupied, then, in that event, it shall become the duty of the Commissioner of Police and Public Buildings to lease or rent the same; provided, however, that the stall or stand so vacated shall not be leased to any other than an actual occupant.

ART. 1171. (11) That it shall be the duty of the Commissioner of Police and Public Buildings, through his inspectors and collectors, to keep an exact register of the persons to whom stalls or stands shall be let, and give certificates to the occupants thereof.

Register. Ib.

ART. 1172. (12) That all persons are forbidden to stand, sit or lie on any of the stalls or stands of the said public markets.

Lounging on stalls. Ib.

ART. 1173. (13) No person or persons shall expose, sell or offer for sale in any public market of this city any stale or unwholesome meat, or the flesh of any animal which was sick, wounded or overheated, or run down by dogs, or otherwise, at or before the same was slaughtered, or which died from disease, accident, casualty or other means than the usual manner of slaughtering animals for food; nor shall any person sell or expose or offer for sale in any of the public markets of this city any putrid, rancid or unsound meat, fish, eggs, poultry, vegetables and fruits, or any unwholesome or adulterated articles of food; nor shall any person sell, or expose, or offer for sale, the flesh of any dog, cat, or any unclean animal, or the flesh of any calf, pig or lamb which was slaughtered under the age of four weeks.

Unwholesome food. Ib.

ART. 1174. (14) That no salt or corned beef or pork shall be exhibited or offered for sale on any stall except in a clean white tray, not painted, twenty-six inches long, sixteen wide and six inches deep. The occupants of stalls may also keep a tight box or cask of no longer dimensions than a butcher's block for keeping such meat in. No ice box will be allowed in any of the public markets except by permission of the City Council, and then same shall be required to be at least six (6) inches from the ground and placed on rollers.

Corn beef; manner of sale. Ib.

Ice boxes.

Stands, tables, etc. ART. 1175. (15) That all stands, tables, blocks and
 ib. boxes used in the public markets shall be required to
 be at least six (6) inches from the ground, and all
 blocks and boxes to be placed on rollers.

Occupants of stands to furnish covered tubs for refuse, etc. ART. 1176. (16) That each and every occupant of
 fruit, vegetable, meat and fish stands or stalls in the
 several public markets of the city are hereby required to
 furnish a covered tub or barrel to be placed under or at
 such place as will be most convenient to their respective
 stands or stalls, in which they shall deposit all refuse,
 offal, waste or cast-off articles in which they may be
 dealing as occupants of said stands or stalls, and under
 no circumstances shall any such occupants of any such
 stands or stalls be permitted to place any of such refuse,
 offal, waste or cast-off articles on the floors or flags of
 said markets, under the penalties stipulated in section
 32 of this ordinance.

Fruits and vegetables, time of washing. ART. 1177. (17) That no fruit or vegetables shall be
 washed in any of said markets between noon and mid-
 night of any day.

Oysters. ART. 1178. (18) That no oysters shall be sold in any
 ib. of the public markets of this city.

Fires. ART. 1179. (19) That it shall not be lawful to light or
 ib. keep any fire in any public market, except the burning
 of oil, spirit, gas or charcoal; and those only for the
 purpose of heating or cooking chocolate, tea, milk, coffee
 and such other articles of food as are permitted to be
 sold under market ordinances.

Collection of dues and revenues. ART. 1180. (20) That the lessee or lessees or contractor
 for any public market in the city of New Orleans is en-
 titled and authorized to collect daily, under contracts to
 that effect or otherwise, the full amount of such dues or
 revenues, as specially provided for in the various ordi-
 nances of the city of New Orleans, and in default of the
 daily payment under contract of the amount of fees due
 daily by the occupant of any stall, stand or space in any
 public market or markets under contract with the city of
 New Orleans, the lessee or lessees of any public market
 or the contractor with the city of New Orleans under
 rights of a public market lessee, shall have the right to

Failure of stall keepers to pay.

Amended by
 Ord. 5917, C. S.
 Jan. 5, 1892.

take immediate possession of any stand, stall or space in any of said markets, and, upon a refusal of any person claiming possession thereof, shall be considered a trespasser and subject to arrest under the laws of the State of Louisiana and city of New Orleans.

Penalty.

ART. 1181. (21) That it shall be unlawful to sell or offer any intoxicating liquors in any public market.

Intoxicating
liquors.
Ord. No. 4155
C. S.

ART. 1182. (22) That no peddler shall be allowed to offer any kind of meat, game, fowl, fish, vegetables and fruits for sale in any of the public markets, or within six (6) blocks of same, and that the Commissioner of Police and Public Buildings or any police officer shall have power to arrest or cause to have arrested any person or persons violating the provisions of this section; said person or persons so offending shall be subject to the penalties stipulated in section 32 of this ordinance.

Peddlers.
Ord. No. 4155
C. S.
Amended by
Ord. No. 4274,
C. S.
Feb. 4, 1890.

ART. 1183. (23) That power and authority is hereby given to the market lessees to grant permission to erect dry air refrigerators upon the stalls and stands of the public markets of this city.

Dry Air Re-
frigerators.
Amended Ord.
No. 10,757.
C. S.
May 21, 1895.

ART. 1184. (24) That occupants of stalls and stands shall furnish, under the penalties stipulated in section 32 of this ordinance, a sufficient number of covered barrels or tubs, to contain the daily offal from the stands and stalls in the said markets, and all occupants of stands or stalls are required to throw such offal into the covered barrels or tubs thus furnished, and that the superintendent of the district for cleaning the streets shall cause the same to be disposed of as in the case of other daily offal, by 2 o'clock P. M. No offal or refuse from any meat, fish, fruit or vegetable stall or stand shall be thrown on the floor of the market, or into the gutters or streets, under the penalties stipulated in section 32 of this ordinance.

Disposal of
offal, etc.
Ord. No. 4155
C. S.

That during the half hour immediately after the closing of said markets, the butchers or other persons hiring or occupying their respective stalls, stands and tables shall be bound to scrape, wash and cleanse the same, so as to keep the said stalls, stands and tables in the highest state of cleanliness, and every person

Cleaning stalls.
Ib.

Time of leaving market. neglecting to comply punctually with the conditions of this section, or who shall not quit the said market at the hour specified, shall be subject to the penalties stipulated in section 32 of this ordinance.

Weights and measures. ART. 1185. (25) That no scales, weights or measures shall be used in any of said public markets unless same are proved and stamped in accordance with law.

Wagons for conveyance of vegetables. ART. 1186. (26) That each and every cart or wagon for the conveyance of vegetables to the public markets of this city shall have the right to back up to the banquettes alongside of said markets; provided, however, that between the hours of 7 o'clock A. M. and 2 o'clock P. M. they shall not be permitted to make sales therefrom, but may deliver goods previously sold to occupants of stalls or stands during any hour, and no market fees or dues shall be collected from said wagons; and provided further, that in taking their positions they be separated at least three feet in order to allow pedestrians to cross from one side of the street to the other, and that any violation of the above shall subject the offender to the penalties stipulated in section 32 of this ordinance.

No sales outside market limits. ART. 1187. (27) That party or parties purchasing the right to collect the revenues of the markets under this ordinance shall agree, and it will be so stipulated in the notarial contract between the city and said party or parties, that no comestibles, nor goods, nor merchandise of any nature or kind shall be sold outside of the limits or space covered by the roof of the market hereby leased, and according to the plans of the public markets now on file in the office of the City Surveyor any party or parties exhibiting, offering for sale or selling any such articles on the sidewalk or on the public walks in front, in the rear or around any of the markets sold under this ordinance shall be subject to the penalties stipulated in section 32 of this ordinance, and for any such exhibition, offer for sale, or sale there made by authority of the contractor or contractors hereunder, they shall be subject to the penalties stipulated in section 32 of this ordinance.

ART. 1188. (28) That no empty boxes, barrels or other vessels other than specified in this ordinance shall be permitted in the markets, and boxes, barrels or other vessels containing articles designed for sale in the markets, which may be bought within the markets, shall be immediately emptied of their contents and immediately removed under the penalties imposed in section 32 of this ordinance.

Empty boxes,
barrels, etc. Ib.

ART. 1189. (29) That all new tops of stalls or stands shall be furnished by and at the expense of occupants of said stalls or stands, and that the same, together with all other improvements, shall revert to the city when the occupant or occupants give up renting the said stalls or stands.

Tops of stalls
Ib.

ART. 1190. (30) That it shall not be lawful for any butcher or vendor of fresh meat in any public market in the city to bring any fresh meat into any of said markets before the hour of 2 o'clock A. M., nor to leave any fresh meat in any of said markets after the closing of such markets on any day between the 1st of May and the 1st of October.

Fresh meat,
time for bring-
ing. Ib.

ART. 1191. (31) That it shall be the duty of the Commissioner of Police and Public Buildings to cause to be posted up in each of the several markets in this city six copies of this ordinance—two in English, two in German, two in French.

Ordinance to
be posted. Ib.

ART. 1192. (32) That any person who shall be found guilty before the Recorder of the district in which the offence is committed of any violation or evasion of any of the provisions of this ordinance, for which a penalty is not otherwise provided, shall be fined not more than twenty-five dollars (\$25) and in default of payment of the fine imposed, to imprisonment in the parish prison for a term not exceeding thirty (30) days.

Penalty. Ib.

ART. 1193. (33) That each day any party shall continue to violate the provisions of this ordinance shall constitute a separate offence.

Separate of-
fences. Ib.

ART. 1194. (34) That nothing herein contained shall be construed as giving the lessee or lessees the right to interfere in the sale of fruit from stores or stands in the

Sale of fruits,
etc., from
stores. Ib.

city of New Orleans; provided, that when such stores are located within the prescribed limits, fruit only shall be sold therein.

Repealing
clause.

ART. 1195. (35) That all ordinances or resolutions, or
1b. parts of ordinances or resolutions, contrary to or in any
wise conflicting with the provisions of this ordinance, be
and the same are hereby repealed.

Florists.
Ord. No. 7437,
C. S.
April 11, 1893.

ART. 1196. That from and after the passage of this
ordinance the unoccupied space in the Bazaar Mar-
ket be and the same is hereby set aside for the use of
florists, provided all laws and ordinances governing the
markets are complied with.

Altering, in-
juring, chang-
ing or remov-
ing any public
market.
Ord. No. 4453,
C. S.
April 29, 1890.

ART. 1197. That any person who shall without au-
thority and express consent of the city of New Orleans,
in a regularly adopted and promulgated ordinance or
resolutions hereafter adopted and promulgated, giving
special right and authority so to do, change, alter, injure
or remove, or attempt to change, alter, injure or remove,
any public market of the city of New Orleans, or in
any manner meddle or interfere therewith, or change
the site or location thereof by force or by taking the
same or any part thereof away from its present site in
any manner or by any means without having first ob-
tained authority as aforesaid, or any person, agent or
employee or workman who shall aid or assist in the
commission of any of said acts shall be deemed guilty
of an offence against the city of New Orleans, and on
conviction in any court having jurisdiction of offences
against the city of New Orleans in violation of its or-
dinances shall be each fined not more than \$25 and im-
prisonment for a term not less than thirty days for each
offence and violation of this ordinance. That all or-
dinances or parts of ordinances in conflict with this or-
dinance are hereby repealed.

Penalty.

Claiborne
Market.
Ord. No. 4456,
C. S.
April 29, 1890.

ART. 1198. That the public market of the city on Clai-
borne street, near the junction of Tulane avenue and
Claiborne street, known as the Claiborne Market, is at
its present site indispensable for the convenience, use
and comfort of the inhabitants of the city and to the
income and revenues of the city, and that the present

site and location thereof can not be changed without impairing the comfort, convenience and health of said inhabitants, and that said public market house shall continue and remain on and at its present site, which is hereby again dedicated to that use, and shall continue a public place and market by express dedication made under and in the exercise of the public and municipal power vested in law in the government of the city of New Orleans to provide for the health, safety and comfort of the inhabitants thereof and control of all public ways, places and markets.

ART. 1199. (2) That all ordinances or parts of ordinances in conflict with this ordinance be and are hereby repealed in so far as they conflict herewith, and that the City Attorney is directed to take prompt proceedings in the courts to prevent and punish any trespass on the site so dedicated to said public market or any interference with said market house, by any person or corporation whatsoever, and that this ordinance be in force from and after its adoption and promulgation.

Repealing
clause. Ib.

City Attorney
instructed. Ib.

ART. 1200. That the Comptroller be and he is hereby directed to advertise for ten (10) days in the official journal for sealed proposals for the sale of the revenues or lease of the several public markets of the city, as follows, viz.: Algiers Market, Claiborne Market, Dryades Market, Delamore Market, French Meat Market, French Fish and Vegetable Market, French Fruit Market, Guilotte Market, LeBreton Market, Magazine Market, Ninth Street Market, Pilie Market, Poydrás Market, Shakspeare Market, Soraparu Market, St. Bernard Market, Tremé Market, Washington Market, one-half of St. Mary's Market, furthest from the river. The same to be sold in bulk, and the adjudication shall be for the term of three (3) years, commencing and to be computed from the first day of May, 1893, and ending on the thirtieth day of April, 1896, inclusive.

Comptroller
to advertise.
Ord. No. 7298,
C. S.
Mar. 14, 1893.

ART. 1201. (2) That the lessee or lessees, or purchaser or purchasers of revenues of the said markets bind themselves to pay into the City Treasury, in cash, current money of the United States, for the month of May,

Payments. Ib.

1893, on signing of contract, a sum equal to one thirty-six (1-36) of the entire sum bid for the lease of the said public markets for three (3) years, and for the remaining thirty-five months shall furnish notes of equal amounts, aggregating total amount of bid, made payable to the city of New Orleans, on the fifteenth (15) day of each month preceding the month for which they are given; the said notes to be endorsed to the satisfaction of the Mayor and the committee on finance of the City Council.

Repairs.

1b. ART. 1202. (3) That the lessee or lessees or purchasers of the revenues of the said markets shall in addition to sum specified in their bid, pay to the city of New Orleans the sum of twenty-thousand (\$20,000) dollars in three equal instalments of six thousand six hundred and sixty-six and $.66\frac{2}{3}$ dollars (\$6666.66 $\frac{2}{3}$) each, as follows: The first instalment shall be paid within six (6) months from the signing of the contract, and the second and third instalments shall be paid within one and two years respectively, after maturity of the first instalment; said twenty (\$20,000) thousand to be expended by the city of New Orleans through the Commissioner of Police and Public Buildings in repairing and keeping in repair the said public markets; said work to be done under specifications to be made by the City Surveyor. A failure on the part of lessee or lessees or purchaser or purchasers to promptly pay the said twenty-thousand (\$20,000) as above provided for shall work immediate forfeiture of this contract, and the city will at once be authorized to assume the control and management of said markets.

Forfeiture for
non-payment
of notes.

1b. ART. 1203. (4) That it shall be stipulated in said contract or lease, and agreed upon by said lessee or lessees, or purchaser or purchasers, that in the event of the non-payment of any of the said notes at maturity the said lease shall thereby be forfeited and become null and void at the option of the Council, and the Council may re-enter upon the possession of said markets without legal proceedings, and may readjudicate the same for the unexpired term of said lease by public auction for amount

and at the risk of the defaulting purchaser or purchasers or lessee or lessees, and without indemnity.

ART. 1204. (5) That the person or persons to whom the revenues of any of the public markets may be sold shall not sell, transfer, set over or assign his or their right, site or interest in the same to any person or persons whatever without having previously obtained the consent of the City Council.

Not transfer-
able, etc., with-
out permission
of City Coun-
cil.
Ib.

ART. 1205. (6) That the purchaser or purchasers or lessee or lessees of said markets and the endorsers of said notes, as above provided, shall all sign the notarial contract as above specified, and in said act it shall be stipulated:

Shall sign
notarial con-
tract.
Ib.

1. That on the non-payment of any of said notes at maturity all the subsequent notes shall immediately come due and exigible.

Stipulations.
Ib.

2. That said notes shall be payable only in current money notes of the United States.

3. That the makers and endorsers of said notes renounce and surrender all right to set up in compensation or set off against the city any claim of any kind or nature whatsoever that they now have or may hereafter acquire against the city of New Orleans, and that the said makers or endorsers bind themselves not to make any attempt to violate the provisions of this section under a penalty of one thousand dollars (\$1000), for which they bind themselves *in solido*.

ART. 1206. (7) That the city reserves police control of said markets, and to compel the enforcement of all existing ordinances and those which may hereafter be adopted by the City Council; provided, that nothing in this ordinance shall be so construed as to exempt from liability the said lessee for any acts of oppression by said police toward farmers who make sales of their vegetables at said markets.

Police control.
Ib.

ART. 1207. (8) That all ordinances or parts of ordinances in conflict herewith be and are hereby repealed, and the city reserves the right to reject any and all bids. All bids must be accompanied by a deposit of five thousand dollars (\$5000) as an evidence of the good faith of the bidder.

Repealing
clause.
Ib.

Deposit.
Ib.

Ord. No. 4155,
C. S., as amend-
ed to remain in
force.

ART. 1208. (9) That Ordinance No. 4155, C. S., as amended by Ordinances Nos. 4274, 5917 and 6691, C. S.,
1b. being an ordinance for the government of the public markets of the city of New Orleans, shall remain in effect, and the lessee or lessees or contractors shall accept the same and be bound by the provisions thereof.

Accepting bid
of J. H. Hin-
richs.
Ord. No. 7446,
C. S.
April 18, 1893.

ART. 1209. That the bid of J. H. Hinrichs for the purchase of the revenues of the public markets, at the price of one hundred and ninety thousand two hundred dollars (\$190,200) per annum, under the terms and specifications of Ordinance No. 7298, C. S., the said right of collection to extend for a period of three years, commencing from the 1st of May, 1893, to the 30th of April, 1896, inclusive, be and the same is hereby accepted, and the Mayor is hereby authorized and directed to enter into a notarial contract with the said J. H. Hinrichs, embodying the provisions of this ordinance and Ordinance No. 7298, C. S.

Repealing
Ord. No. 5587,
C. S.
Ord. No. 5774,
C. S.
Nov. 17, 1894.

ART. 1210. That Ordinance No. 5587, C. S., be and is hereby repealed, same being in conflict with existing market lease and ordinance authorizing same.

ST. MARY'S MARKET.

Repealing
all ordinances
in reference to
St. Mary's
Market, and the
establishment
of a wholesale
fruit and vege-
table market.
Ord. No. 8259
C. S.
Nov. 7, 1893.

Whereas, the St. Mary's Wholesale Fruit and Vegetable Market Company, Limited, have failed to comply with the provisions of contract entered into between the city of New Orleans and Jose Raymond, under Ordinances Nos. 4399 and 4779, Council Series, which said rights have been transferred to the said St. Mary's Wholesale Fruit and Vegetable Market Company, Limited, and recognized by the city of New Orleans, by virtue of Ordinance No. 5788, C. S., in this, that the said company has failed after the extension of the period named in which the construction of the building of said market house should be completed; therefore,

ART. 1211. That Ordinances Nos. 4265, 4399, 4653, 4779, 5774, 5788 and 6964, Council Series, and all other ordinances relative to the construction of said market house, be and the same are hereby repealed, and all

rights and privileges granted thereunder be and are hereby revoked.

ART. 1212. That one-half of the St. Mary's Market be and the same is hereby set aside for a wholesale and retail fruit and vegetable market, and the City Engineer be and he is hereby directed to prepare plans and specifications for same.

St. Mary's
Market.
Ord. No. 10,728,
C. S.
May 14, 1895.

ART. 1213. That the City Surveyor be and he is hereby directed to prepare specifications for a one-story market house to be built on the two squares of ground bounded by Peters, Fulton, Front, North Market and South Market streets in lieu of specifications for said market house embodied in contract with Jos. Raymond under Ordinance No. 4399, C. S.

Public Market
to be built on
squares
bounded by
Peters, Ful-
ton, Front
and North
and South
Market sts.
Ord. No. 4653,
C. S.
Aug. 5, 1890.

ART. 1214. That upon completion and approval of the said specifications by the City Council the said contract shall be so amended as to conform with the new specifications for a one-story market house.

ART. 1215. That the specifications prepared and completed by the City Surveyor as per Ordinance No. 4653, C. S., for a one-story market house to be built on the two squares of ground bounded by Peters, Fulton, Front, North Market and South Market streets, in lieu of specifications for said market house heretofore made under Ordinance No. 4399, C. S., be and the same are hereby approved, and that the contract made under said Ordinance No. 4399, C. S., be amended to conform with said new specifications.

Specifications
under Ord. No.
4653, C. S., ap-
proved.
Ord. No. 4779,
C. S.
Oct. 7, 1890.

PRYTANIA STREET MARKET.

ART. 1216. That the Comptroller advertise in the official journal during fifteen days for sealed proposals for building a market house in that portion of the city of New Orleans included within St. Charles, Magazine, Valence and Soniat streets, in the Sixth Municipal District, said work to be adjudicated to the bidder who shall assume to erect the same, in accordance with plans and specifications on file in the office of the City Surveyor, upon his own land. The space to be occu-

Erection of
public markets
within St.
Charles, Maga-
zine, Valence
and Soniat
streets.
Ord. No. 4438,
C. S.
Apr. 15, 1890.
Amended Ord.
No. 4492, C.
S.

pied by the building to contain not less than 6000 square feet and to be so situated as to be accessible from all sides, by a street not less than forty feet wide, free from all encumbrances of any nature, in consideration of the transfer to him of the revenues of the market for thirty years from the date of signing contract. The land and construction to become municipal property at the signing of the contract and the ownership to become absolute, at the expiration of the time, in the city. The city reserves the right to reject any and all bids.

ROCHEBLAVE MARKET.

Rocheblave
Street Market.
Ord. No. 4778,
C. S.
Oct. 7, 1890.

ART. 1217. That the Comptroller advertise in the official journal during fifteen days for sealed proposals for building a public market in that portion of the city of New Orleans included within Miro, Saleedo, Orleans and Canal streets, in the Second Municipal District; said work to be adjudicated to him who shall assume to erect the same at his own expense, in consideration of the transfer to him of the revenues of the market for thirty years from the date of signing the contract, upon his own land, in accordance with plans and specifications on file with the City Surveyor. The space to be occupied by the building to contain not less than 3000 square feet and to be so situated as to be accessible from at least two sides by streets not less than forty feet wide, and from the other two sides by alleyways not less than ten feet wide. The land and construction to become municipal property at the signing of the contract and ownership to become absolute at the expiration of the time in the city. The city reserves the right to reject any and all bids.

Rejecting
bids of John
Trisconi and
Fergus Kernan.
Ord. No. 5339,
C. S.
Dec. 8, 1891.

ART. 1218. That the bids from Messrs. John Trisconi and Fergus Kernan for the construction of a public market submitted under Ordinance No. 4778, C. S., be and the same are hereby rejected.

Repealing
Ord. No. 6713,
A. S.

Ib.

ART. 1219. That Ordinance No. 5718, C. S., instructing the Comptroller to advertise for bids for the construction of a public market be and the same is hereby repealed.

ART. 1220. That the Comptroller be and is hereby directed to re-advertise for five (5) days for bids at public auction for the construction of a public market as provided for in Ordinance No. 4778, C. S., amount bid to be paid cash upon adjudication of contract.

Directing
Comptroller to
advertise. Ib.

ART. 1221. That the Comptroller is hereby authorized to re-advertise the sale at public auction of a public market in the Second District of this city, all in conformity with Ordinance No. 4778, C. S., adopted October, 1891, and Ordinance No. 5839, C. S., adopted December 8, 1891. Ten per cent. of amount offered to accompany the bid, and the balance to be paid upon the signing of amount for same.

Directing
Comptroller to
advertise.
Ord. No. 6230,
C. S.
April 5, 1892.

ART. 1222. That the Mayor is hereby authorized to sign a contract with Thos. J. Raymond, for the building of a public market in the Second District of this city, under Ordinances Nos. 4778, 5839, 6230, C. S.; provided, that said building shall be commenced within three months and completed within nine months from date of promulgation hereof.

Authorizing
signing of con-
tract with
Thos. J. Ray-
mond
Ord. No. 6232,
C. S.
May 10, 1892.

ART. 1223. That his honor the Mayor be and he is hereby authorized and directed to enter into notarial contract with Thomas J. Raymond for the erection of a market in square bounded by Miro, Salcedo, Orleans and Carbral streets, as per adjudication of Comptroller of date April 18, 1892.

Contract with
Thos. J. Ray-
mond for mar-
ket in square
bounded by
Miro, Salcedo,
Orleans and
Carbral streets.
Ord. No. 6342,
C. S.
May 17, 1892.

ART. 1224. That the Rocheblave Street Market Company, Limited, be and it is hereby recognized as the transferees of the contract entered into between Thomas J. Raymond and the city of New Orleans by act passed before Joseph D. Taylor, notary public, on the 12th day of July, 1892, for the construction, maintenance and operation of a public market at the corner of Rocheblave and Customhouse streets, in this city, in pursuance of the provisions of Ordinances No. 4778 and No. 6342, Council Series.

Recognizing
Rocheblave
Street Market
Company as
transferees of
Thos. J. Ray-
mond.
Ord. No. 6722,
C. S.
Sept. 19, 1892.

ART. 1225. That the Commissioner of Public Works cause to be reinstated the chain across the head of St. Philip street, between the Vegetable and Fruit Markets in the same condition it was when removed by one of his employees.

Chains across
St. Philip st.
Ord. No. 5024,
C. S.
Jan. 13, 1891.

Chains across
markets.

- ART. 1226. That the Commissioner of Police and Public Buildings be authorized to cause chains to be placed across streets separating two parts of any market during market hours on Sundays and other holidays, and across streets fronting courthouses during the sessions of said courts.

SECOND STREET MARKET.

ART. 1227. That the Commissioner of Police and Public Buildings be and he is hereby authorized to appoint a collector for the Second Street Market, at a salary of fifty dollars per month, until such time as the city disposes of said market.

ART. 1228. That the salary of said collector shall be paid out of the revenues of the Second Street Market.

Ordinance No. 9794, C. S., directs Comptroller to advertise revenues of market for sale.

Ordinance No. 9966 accepts bid of H. B. Bowles for revenue of market, in accordance with specifications, at rate of \$500 per month, and directs Mayor to enter into notarial contract with said Bowles for same..

CARROLLTON MARKET.

Comptroller
to advertise.

Ord. No. 7738,
C. S.

June 27, 1893.

ART. 1229. That the Comptroller be and he is hereby directed to advertise in the official journal for ten days for sealed proposals for the lease of the Carrollton market for a period of three years from September 17, 1893, in accordance with existing ordinances governing said market.

Accepting bid
of Albin
Spiess.

Ord. No. 7967,
C. S.

Aug. 22, 1893.

ART. 1230. That the bid of Albin Spiess for the leasing of the Carrollton Market for a term of three years from September 7, 1893, under Ordinances Nos. 2094, C. S., and 2495, C. S., for the sum of fifteen hundred and fifty one-hundredths dollars (\$1500.50) per annum, be and the same is hereby accepted, and that the Mayor be and he is hereby directed and authorized to enter into notarial contract with the said Albin Spiess as per bid of July 12, 1893.

WASHINGTON AVENUE MARKET.

ART. 1231. (1) That upon compliance with the terms and conditions, as per specifications furnished by the City Surveyor, permission is hereby granted to Joseph Raymond to erect a market house on a portion of the neutral ground of Washington avenue, facing St. Claude street, Third District of the city.

Permission.
A. S. 2569.
April, 1874.
A. S. 4213.
Nov. 22.
A. S. 4262.
Dec. 1877.
A. S. 3522.
May, 1877.
A. S. 3158
June, 1875.
Ib.

ART. 1232. (2) That the said market house is to be built in a substantial and workmanlike manner, according to plans and specifications. The cost and expense of erecting said market, together with the material, to be paid for by said Joseph Raymond; after its completion, all of the work to be accepted by the City Surveyor and the Administrator of Waterworks and Public Buildings.

Manner and
cost of con-
struction.

ART. 1233. (4) That the owner or owners of said market shall have the privilege for twenty years and six months after completion of same to rent the stands and stalls therein for the sale of such articles as are allowed to be sold in the public markets of this city, and during the space of twenty years and six months the said property is to be exempt from all city taxation.

Term of
privilege.
A. S. 3518.
May, 1876.

ART. 1234. (5) That at the expiration of said twenty years and six months the said market house and appurtenances shall be turned over to the city of New Orleans, and said city shall be placed in full possession and ownership of said market.

Reversion.
Ib.

ART. 1235. (6) That this market shall always be under the supervision of the proper city officers, and be subject to such ordinances as are in force for regulating the sale of meats, etc., and regulating the charges for the use of stands and stalls.

Authority of
city.
A. S. 2569.
April, 1874.

ART. 1236. (7) That at no time shall the city levy taxes on said market, and the said owners do bind themselves that at no time during the said twenty years and six months they are in possession will they divert the said market house from the uses for which the preceding privileges have been granted.

Exempt from
taxation.
Ib.

KELLER MARKET.

Privilege to
J. H. Keller.
N. S. 524.
March, 1867.
N. S. 865.
March, 1868.
N. S. 1114.
Nov. 1868.
N. S. 1165.
Dec. 1868.

ART. 1237. That the Mayor be and is hereby authorized to enter into the necessary notarial act before the City Notary with John H. Keller, Esq., for the erection of a market house on a square of ground situated in the Fourth District and bounded by Felicity road, St. Andrew, Magnolia and Solis streets, and for collecting the revenues therefrom for the space and term of thirty years from the date of the completion of said market house and acceptance of the same by the City Surveyor, and at the expiration of said thirty years' privilege the said market and square of ground above described to revert to the city of New Orleans, without compensation being made by the city to said Keller, contractor.

SIXTH DISTRICT MARKET.

Acceptance of
bid.
A. S. 5093.
June, 1879.

ART. 1238. That the bid of Thomas Carey to build a market house in the Sixth District on Magazine street, between Napoleon avenue and Berlin street, for the revenues of the same for the term of eighteen years be and is hereby accepted, and that the Mayor be and is hereby authorized to enter into contract with the said Carey for the faithful performance of the work.

Completion of
market.
A. S. 7496.
Dec., 1881.

ART. 1239. That the first of November, 1879, shall be considered as the date of the completion and acceptance thereof by the City Council of New Orleans of the Sixth District Magazine Market, situated on Magazine street, between Napoleon avenue and Berlin street; and that the collection of the revenues thereof by Thomas Carey, or to whomsoever he may dispose of or assign his rights and privileges under Ordinance No. 5093, A. S., shall cease on the thirty-first of October, 1897, at which date the said market and revenues thereof shall become the property, unconditionally, of the city of New Orleans; that said Thomas Carey, or the parties holding under him by sale, assignment or otherwise, to be subject to the conditions of the notarial contract entered into between the said Thomas Carey and the Mayor of

Collection of
revenues.

the city of New Orleans, under said Ordinance No. 5093, A. S.

PRIVATE MARKETS.

ART. 1240. (1) That hereafter it shall not be lawful for any one to set up and establish a private market for the sale of meats, fish and vegetables or other comestibles, except upon complying with the regulations or conditions imposed under this ordinance.

Unlawful to
establish,
when.
Ord No. 767,
C. S.
May, 23, 1893.

ART. 1241. (2) That the private market building used for such purpose shall not be less than ten by fifteen feet in superficial area, sixteen feet in height from floor to ceiling, disconnected from any other building, and separated therefrom by a distance of not less than three feet six inches; it shall be well ventilated, and the floor shall be of flagging or cement pavement. That after the hour of 12 M. of each day there shall be no sales made; that before 1 P. M. of each day the stalls and stands in said private markets are required to be washed and cleaned, so as to keep them in the highest state of cleanliness. That after the said hour of 1 P. M. the said private markets shall be subject to the inspection of the police officers of this city, whose duty it is to inspect the same and report any violations of the provisions of this ordinance.

Construction.
Ib.

Hours of
opening.

Cleanliness.

Inspection.

ART. 1242. (3) That no private market shall be established within twenty-one hundred feet from any public market.

Limits.
Ib.

ART. 1243. (4) That any person desiring to establish a private market shall, upon complying with the provisions above set forth, as to location and construction, evidenced by a certificate to that effect from the City Engineer, shall obtain a license therefor.

License and
certificate of
City Engineer.
Ib.

ART. 1244. (5) That whoever shall violate the conditions of this resolution shall be subject to a fine not to exceed \$25, or to imprisonment in the parish prison for a term not to exceed thirty days; provided, that the fine shall not exceed twenty-five dollars or imprisonment for more than thirty days.

Penalty.
Ib.

ART. 1245. (6) That all ordinances or parts of ordi-

Repealing
clause.
Ib. nances upon the same subject matter in conflict herewith
be and the same are hereby repealed.

Ordinances Nos. 5748, 5848, 6299 and 6439, C. S., repealed by Ordinance No. 6600, C. S.

Ordinances Nos. 6600 and 6924, C. S., repealed by Ordinance No. 7607, C. S.

ACT NO. 116 OF 1888.

To repeal Act 100 of the regular session of 1878, approved March 15, 1878, and entitled "An act to repeal an act to regulate the private markets in the city of New Orleans, and for other purposes," etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That Act No. 100 of the General Assembly of one thousand eight hundred and seventy-eight, approved March 15, 1878, entitled "An act to repeal an act entitled an act to regulate the private markets in the city of New Orleans, and for other purposes," be and the same is hereby repealed.

SEC. 2. *Be it further enacted, etc.*, That the City Council of New Orleans be and they are hereby authorized and empowered to pass such ordinances for the government and regulation of private markets in the city of New Orleans as they in their discretion may deem proper, and that they be vested with full power to provide for the enforcement of their said ordinances; provided, in so doing they shall not so construct their ordinances as to violate, in fact or impliedly, the constitutional provisions prohibiting monopolies; and provided, they shall not prohibit private markets within the populous districts of the city.

SEC. 3. *Be it further enacted, etc.*, That the said City Council may prescribe by ordinance the manner in which such private markets shall be kept, and the distance at which they may be located from public markets; provided, no private market shall be established within a walking distance of six blocks from any public market, the said distance to be interpreted as meaning that represented by six blocks in a walk from the public market to a private market.

SEC. 4. *Be it further enacted, etc.*, That all laws or parts of laws contrary to, or inconsistent herewith, be and the same are hereby repealed; provided, this act shall not take effect until after the expiration of the present lease of the public markets.

DECISIONS.

State vs. Deffes, 44 An. 164. Six blocks mean 2100 feet by nearest walking route.

State vs. Garabaldi, 44 An. 813. Council can not shift responsibility on property owners.

Power to Council to refuse privilege at pleasure illegal. State vs. Dubarry, 44 An. 1117; State vs. Mahner, 43 An. 496; Yeick Wo vs. Hopkins, 218 N. S., 346; State vs. Deffes, 45 An. 658. Right to prescribe manner of keeping markets. State vs. Dubarry, 46 An. 33.

Other authorities :

State vs. Sarradat, 46 An. 700.
 Vidalat vs. City, 43 An. 1121.
 State vs. Natal, 42 An. 612.
 Grossigé vs. City, 41 An. 522.
 State vs. Schmidt, 41 An. 29.
 State vs. Barthe, 41 An. 47.
 State vs. Berard, 40 An. 173.
 State vs. Natal, 39 An. 439; 41 An. 887.
 State vs. Gesih, 31 An. 544.

PRIVILEGES.

Ord. 6057. Appel, Chas. F., Antonine and Magazine streets.
 Ord. 6506. Aquittard, B. F., St. Anthony, between Prieur and Johnson streets.
 Ord. 6637. Abistore, Jos. F., 54 Bourbon street.
 Ord. 6054. Bell, A., 852 St. Charles avenue.
 Ord. 6057. Balanoise, Jean, 414 Bagatelle street.
 Ord. 6057. Broderick, F., Chippewa near Washington street.
 Ord. 6057. Bardy, H. E., Broad and Palmyra streets.
 Ord. 6057. Boullard, John B., Third and Laurel streets.
 Ord. 6073. Brorkhaeft, Wm., St. Charles and Hillary streets.
 Ord. 6098. Braun, Chas., St. Charles and Hillary streets.
 Ord. 6098. Bayne, Felix, Bellecastle and Magazine streets.
 Ord. 6131. Brown, Chas., St. Charles and Hillary streets.
 Ord. 6131. Berges, T., Dauphine, Burgundy, Flood and Andry streets.
 Ord. 6131. Bordes, Chas., N. Poydras, between Prieur and Bertrand streets.
 Ord. 6131. Bitheyi, G., Prytania and Constantinople streets.
 Ord. 6539. Boothe, Ed. J., 149 Terpsichore street.
 Ord. 6539. Buras, J. L., De Armas, between Lapeyrouse and Franklin streets.
 Ord. 6630. Beavard, C., 791 St. Claude street.
 Ord. 6638. Bassnith, John, Frenchman, between Dauphine and Burgundy streets.
 Ord. 6936. Block, Nathan, Treme, between Bienville and Customhouse streets.
 Ord. 5975. Conyet, Denis, 448 Bourbon street.
 Ord. 6073. Curetto, Leon, Bourbon and Burgundy streets.
 Ord. 6098. Catalario, Jos., Architect Alley, between Royal and Chartres streets.
 Ord. 6131. Catalario, Jos., Architect Alley, between Royal and Chartres streets.
 Ord. 6131. Carbroyiovanno, Frank, Pacific, near Peters streets.
 Ord. 6131. Classi, George, Alix and Pacific streets.
 Ord. 6131. Chevier, Paul, 347 Bienville street.
 Ord. 6131. Carrere, Sylvain, Hancock and N. Peters streets.
 Ord. 6403. Corte, Baptiste, Dumaine street, end of French Meat Market.
 Ord. 6436. Clesi, Geo., Alix and Pacific, Fifth District.

- Ord. 6502. Clement, John, Conti and Miro (until Raymond Market is established).
- Ord. 6506. Castagnana, Frank, Pacific, between Alix and Peters, Fifth District.
- Ord. 6637. Cazes, A., 87 Frenchman street.
- Ord. 6638. Collet, L. E., Aline, between Annunciation and Laurel streets.
- Ord. 6678. Cazes, E., 87 Frenchman street.
- Ord. 6799. Couyet, T. M., Rampart and Union streets.
- Ord. 6818. Christie, Geo., and B. Mailles, Amelia and Laurel streets.
- Ord. 6864. Cabos, Lean Marie, Hancock, between Bienvenue and Delaronde streets.
- Ord. 6865. Courrege, Marie, Hancock, between Peters and Summerville streets.
- Ord. 6866. Caury, F., 351 St. Claude street.
- Ord. 6903. Clark, Mrs. K., 129 Thalia street.
- Ord. 5984. Dastillon, J. F., Aline, between Jersey and Laurel.
- Ord. 6047. Dies, John, 79 Washington.
- Ord. 6047. Dastillon, Germain, Toledano and Carondelet.
- Ord. 6057. Delord, Pierre, St. Anthony, between Claude and Rampart.
- Ord. 6057. Durmeyer, Charles, Laurel and Arabella.
- Ord. 6057. Dastillon, Wm., 18 Sixth street.
- Ord. 6073. Dubret, Theo., Evelina, near Elmira.
- Ord. 6098. Dillius, B., Dauphine, near Jourdan avenue.
- Ord. 6131. Dastugne, F., 192½ Esplanade avenue.
- Ord. 6131. Durie, Jean Marie, Liberty, near Calliope.
- Ord. 6131. Darm & Lafauvere, St. Charles and Napoleon avenues, privilege to expire Oct. 1, 1892, under Ord. 6635.
- Ord. 6297. Derbau, Baptiste, Dauphine, near Jourdan avenue.
- Ord. 6297. Delord, John, Fourth and Locust.
- Ord. 6505. Dantoni, V., Dumaine street, upper end Bazaar Market.
- Ord. 6811. Duene, G., Tonti, between Ursulines and St. Philip.
- Ord. 6836. Ducdut, Jean Marie, Prytania and Antonine.
- Ord. 6868. Ducamp, F. M., Antonine and Prytania.
- Ord. 6937. D'Arms, Dan, Milan, between St. Charles and Carondelet.
- Ord. 6938. Dies, John, Laurel and Second.
- Ord. 6954. Dubuc, Gus., 225 Customhouse street.
- Ord. 6506. Dofet, Dominique, Palmyra and Rocheblave.
- Ord. 6506. Ducueng, Jean, Eighth and Carondelet.
- Ord. 6637. Ducamp, F. M., Carondelet and Amelia.
- Ord. 6131. Estrade, John M., Prieur, between Hospital and Barracks.
- Ord. 6452. Even, J. A., St. Claude and Feliciana.
- Ord. 6637. Esguerre, J. Marie, Carondelet and Toledano.
- Ord. 6057. Fousse, John A., Clio and Howard.
- Ord. 6073. Faller, Martin, Fulton and Sixth.
- Ord. 6073. Taber, Anthony, Fourth and Mary.
- Ord. 6073. Frichon, John, and Frank Messina, Sixth and Chippewa.
- Ord. 6031. Ferrar, Jean, Prieur and Tonti.
- Ord. 6131. Fehrenback, Seymour, Second and Constance.
- Ord. 6131. Frelot, A. F., Jackson and Monroe.
- Ord. 6753. Furan, Bertrand, Greatman and Flood.
- Ord. 6785. Ferrand, Oscar, 73 Miro.

- Ord. 5984. Glouner, John, Magazine, between Amelia and Peniston streets.
- Ord. 6131. Glaudi, Jos., St. Ferdinand, between Dauphine and Burgundy streets.
- Ord. 6131. Guma, Alphonse, 1045 St. Charles street.
- Ord. 6908. Guina, A., Milan and Carondelet streets.
- Ord. 6057. Hoeffnor, Peter J., Valmont and Laurel streets.
- Ord. 6131. Henry, John, Magazine, near Webster street.
- Ord. 6820. Herbert, Elysee, Pacific and Evelina streets, Fifth District.
- Ord. 6953. Jordan, Sidney, Madison and Newton streets, Fifth District.
- Ord. 6047. Krewet, Henry, Upperline, near Jersey street.
- Ord. 6585. Kinler, Octave, Rampart, between Clouet and Montegut streets.
- Ord. 6685. Klar, F., Mystery and Esplanade streets.
- Ord. 6686. Kinlar, Octave, St. Thomas, between Thalia and Melpomene streets.
- Ord. 6047. Laporte, J. B., Washington and Chippewa streets.
- Ord. 6057. Lacour, Frank, Felicity and Fulton streets. Amended by 6250.
- Ord. 6073. Ledoux, Alphonse, 13 Ann street.
- Ord. 6131. Lettinghauser, Philipp, Mandeville, between Victory and Chartres streets.
- Ord. 6131. Laric, P., Prieur and Barracks streets.
- Ord. 6131. Lafauvere & Daron, St. Charles and Napoleon avenues.
- Ord. 6467. Lannes, B., 46 Celeste street.
- Ord. 6501. Leithman, Valentine, 892 Laurel street, near Henry Clay avenue.
- Ord. 6506. Laguens, Jas., 46 Religious street.
- Ord. 6748. Loge, Daniel, Tonti, between Lapeyrouse and Onzaga streets.
- Ord. 6751. Larassin, Noel, 407 St. Ann street.
- Ord. 6817. Lafontaine, A., Bourbon, between Morales and Urquhart streets.
- Ord. 6906. Lambert, H. L., Hospital, near Burgundy street.
- Ord. 6907. Lafargue, Jean, 466 St. Claude street.
- Ord. 6057. Monledous, Mrs. Bap., Antonine and Laurel streets.
- Ord. 6057. Marcade, Zacharie, Miro and Dumaine streets.
- Ord. 6057. Monledous, Louis, Joseph and Magazine streets.
- Ord. 6057. Mailhes, Louis, Jersey, between Austerlitz and Constantinople streets.
- Ord. 6057. Muller, Joseph, Lyon and Laurel streets.
- Ord. 6073. Munhausen, Aug., 326½ Magazine street.
- Ord. 6073. Munhausen, Aug., Clouet and Goodchildren streets.
- Ord. 6073. Messina, Frank, and Jno. Trichon, Sixth and Chippewa streets.
- Ord. 6131. Marriante, Salvator, Alix and Bouny streets.
- Ord. 6503. Müller, Philipp, Dufossat and Laurel streets.
- Ord. 6506. Manvezen, Jean, Washington, between Fulton and Chippewa streets.
- Ord. 6506. Marcheanti, Jas., Rampart and Union streets.
- Ord. 6637. Mailhes, Baptiste, Tchoupitoulas, between Valmont and Bellecastle streets.
- Ord. 6638. Manvizen, Jean, Fulton, between Washington and Sixth streets.
- Ord. 6749. Menzberg, Gustave, Roman and Cypress streets.
- Ord. 6750. Müller, John, Perdido and S. Johnson streets.
- Ord. 6801. Milliet, J., Rocheblave and St. Ann streets.

- Ord. 6818. Mailles, B., and Geo. Christie, Amelia and Laurel streets.
- Ord. 5975. Nuebio, Jos., Dorgenois, between Canal and Gasquet streets.
- Ord. 6914. Natal, Dominie, Cypress and Clara streets.
- Ord. 6131. Ortholan, Alfred, Chartres and Marigny streets.
- Ord. 6684. Owens, J. J., Tulane avenue and Tonti streets.
- Ord. 6047. Pare, Paul, 108 Canal street.
- Ord. 6057. Pongard, Pierre, Broad, between Dumaine and St. Philip streets.
- Ord. 6057. Puderer, Chas., Tchoupitoulas, between Bordeaux and Valence streets.
- Ord. 6098. Pondata, Aug., Ferdinand, near Dauphine street.
- Ord. 6098. Pallet, Leonard, Hurst street and Henry Clay avenue.
- Ord. 6098. Pallet, Frank, St. Charles avenue and Broadway.
- Ord. 6452. Pabst, Joseph, Seventh and St. Denis streets.
- Ord. 6638. Pays, J. M., Johnson and Barracks streets.
- Ord. 6754. Perova, M. E., Dumaine, between Salcedo and Gayoso streets.
- Ord. 6800. Pedelapore, 749 St. Claude street.
- Ord. 6863. Paysse, L., 196 Bienville street.
- Ord. 7021. Pronne, Phelix, Florida and Encampment streets.
- Ord. 5984. Rourk, Timothy, St. Mary and Rousseau streets.
- Ord. 6131. Rahders, Mrs. A., Bienville and Galvez streets.
- Ord. 6189. Roemer, Henry, Octavia and Laurel streets.
- Ord. 6683. Roth, M. J., Henry Clay avenue and Laurel street.
- Ord. 5984. Senao, R., 66 and 68 Burgundy street.
- Ord. 6057. Suberville, Pierre, 413 Canal street.
- Ord. 6073. Sunmedinger, Mathias, Burdette and Commercial streets.
- Ord. 6131. Salvato, Geo., Elmira and Eliza streets.
- Ord. 6131. Salvato, Martin, Peter and Powder streets.
- Ord. 6189. Sebathir, J. N., 355 St. Philip street.
- Ord. 6404. Salatte, W. P., Bouny and Evelina streets, Algiers.
- Ord. 6506. St. Alvery, B., 83 Dauphine street.
- Ord. 6506. Satuque, F. M., Customhouse and Broad streets.
- Ord. 6687. Spraul, A., 165 Julia street.
- Ord. 6813. St. Martin, Wid. Francois, Royal and Mandeville streets.
- Ord. 6905. Seron, Maurice, Poydras, between Galvez and Johnson streets.
- Ord. 6932. Spahr, John, Verret and Homer streets, Fifth District.
- Ord. 6955. Scarro, Joe, 123 Toulouse street.
- Ord. 6057. Tortorioe, Joseph, 59 Melpomene street.
- Ord. 6057. Tujaque, P., Lyon, between Tchoupitoulas and Jersey streets.
- Ord. 6098. Tonert, John, Camp and Thalia streets.
- Ord. 6057. Voelkel, Fred., Washington avenue, between St. George and Liberty streets.
- Ord. 6057. Vidalet, S., Johnson, between Bienville and Conti streets.
- Ord. 6131. Voght, Charles, 864 St. Charles avenue.
- Ord. 6539. Voekel, Fred., Seventh and St. Denis streets.
- Ord. 6752. Vidalet, S., 340 Bienville street.
- Ord. 6797. Vignes, Leon, Henry Clay avenue and Laurel street.
- Ord. 6867. Voelker, John, Jordan avenue, between Dauphine and Burgundy streets.

Ord. 7005. Veillon, Louis, Grand Route St. John, near Bayou St. John.

Ord. 6989. Wagner, Geo. W., St. Denis, near Eighth street.

MASTERS AND WARDENS.

ACT NO. 3 OF 1877.

The Governor, by and with the advice and consent of the Senate, appoint as wardens for the port of New Orleans, two competent persons familiar with sea service; and that said wardens shall hold their offices for a term of two years.

Governor to
appoint War-
dens of the Port
of New Or-
leans.

SEC. 2. *Be it further enacted, etc.,* That said wardens shall keep an office in a central position, and shall cause to be made, in a book or books kept for that purpose, an entry of all their surveys, to which all persons may have access at reasonable times; and that certified copies of said entries, under the official signature of either of said wardens, shall be admissible in evidence without further proof.

Duties of Har-
bormaster.

SEC. 3. *Be it further enacted, etc.,* That either of said wardens shall, when called upon by the master of any ship or vessel arriving from sea, inspect the manner in which the hatches of said ship or vessel were secured previous to the opening of the same for the purpose of discharge, and shall certify to the condition of the cargo in sight, for which survey and certificate he shall be entitled to three dollars, and for every subsequent survey of the same ship or vessel to one dollar, and for every duplicate certificate to one dollar.

Inspection to
be made by
Harbormas-
ters.

Ib.

SEC. 4. *Be it further enacted, etc.,* That it shall be the duty of said wardens to note the marks, numbers, description and location of all damaged goods so surveyed, the cause of damage and the character of the damage and storage.

Their duties
in relation to
damaged
goods.

Ib.

SEC. 5. *Be it further enacted, etc.,* That it shall be lawful for the wardens jointly to survey damaged goods in store, to certify to the nature of such damage, and to order the sale thereof at public auction, to be advertised twice in two daily papers before the sale, for which survey and certificate they shall be entitled to a fee of ten dollars; and if required to attend the sale and to certify to the account thereof they will be entitled to a further fee of five dollars.

Survey of dam-
aged goods
in store.

Ib.

SEC. 6. *Be it further enacted, etc.,* That it shall be lawful for the wardens jointly to survey the condition of damaged ships or vessels arriving in the port of New Orleans, and to certify to the same, and for said survey and certificate they shall be entitled to a fee of ten dollars, and for each subsequent survey of the same to a fee of five dollars.

Fee for such
survey.

Ib.

SEC. 7. *Be it further enacted, etc.,* That it shall be lawful for the wardens to survey damaged cargo on board of any river

Survey of damaged goods on steamboats. steamboat arriving in the port of New Orleans, and to certify to the condition of the same, for which survey and certificate they shall be entitled to a fee of five dollars.

Ib.

ACTS OF 1855, PAGE 489.

Office, where kept. SEC. 2. That the master and wardens shall keep an office in the city of New Orleans, and shall cause to be made, in a book to be kept for that purpose, an entry of all their proceedings, to which all persons may have access.

Certain duties of Wardens. SEC. 3. That the master and wardens, or any of them, shall, if called upon by the person commanding any ship or vessel arriving from sea, inspect the manner in which the hatches of such ship or vessel were secured, previous to the opening thereof, for the purpose of discharge, and shall be present at the opening of the same; and shall, upon every such survey, certify under his hand how the hatches appeared to him; for which certificate he shall be entitled to two dollars, and for every duplicate thereof one dollar.

Not to be interested in any pilot boat, or with any branch pilot. SEC. 4. That neither the master nor any of the wardens aforesaid shall be concerned, directly or indirectly, in any pilot-boat or with any branch pilot, in respect to the business of his trust.

Fees in certain cases. Whenever goods and merchandise, damaged on board of vessels arriving from sea, belong to different proprietors, but are addressed to the same consignee, it shall be lawful for the wardens who shall have inspected the same, and ordered and attended the sale of such damaged goods at auction, to demand and receive distinct fees for such property so surveyed and sold; provided, the consignees shall require different sets of certificates for each.

Deputies. The wardens of the port of New Orleans may appoint deputies and clerks, but the deputies and clerks shall take the oath prescribed by Article 90 of the Constitution, and shall be sworn truly and faithfully to perform the duties imposed on the wardens of the port of New Orleans; and the said wardens will be responsible for the acts of their deputies.

Goods not to be sold, except by order of the Wardens. No damaged goods brought to the port of New Orleans by any sea-going vessel shall be sold at public auction, except under the order and supervision of the master and wardens of the port of New Orleans, and any auctioneer selling any such goods without said order shall be subject to a fine of fifty dollars, to be sued for and paid over as provided in the previous section.

Reclamation by interested parties can be made. Nothing in this act shall in any manner prevent all parties interested in any damaged goods, arriving at the port of New Orleans, from compromising all claims for damage without a sale, even when ordered by the master and wardens.

ACT OF 1868, PAGE 22.

It shall be the duty of the master and wardens of the port of New Orleans, or any one of them, on being required by the

captain or other interested party, to proceed on board of any sea-going vessel, steamboat or barge, and examine the hatches or stowage, and condition of the cargo, and shall cause to be made in a book kept for that purpose a record of all their proceedings, to which all persons may have access, and that said master and wardens, for every survey of hatches, shall be entitled to demand and receive five dollars; for every subsequent survey of cargo, three dollars; and for each certificate issued, one dollar.

SEC. 2. *Be it further enacted, etc.*, That if, after the arrival in port of any sea-going vessel, the hatches be first opened without a member of the board of wardens be present, and the cargo or any portion thereof shall come from on shipboard in a damaged condition, these facts shall be presumptive evidence that such damage occurred in consequence of improper stowage or negligence on the part of the person in charge of said vessel, and such default shall be chargeable to the owner, consignee, master or other person in interest (as part owner or master) of said vessel, each and all of whom shall be primarily liable for such damage; provided, that stress of weather or accident does not render it necessary that the hatches of a vessel shall be opened after said vessel may be in charge of a pilot at this port.

SEC. 3. *Be it further enacted, etc.*, That nothing in this act requiring hatches to be surveyed by the port wardens shall be construed to apply to river boats or barges. The master and wardens may demand and receive the same fees, to be paid by the parties calling survey, when a compromise is made, that they would receive had no compromise been effected.

It shall be unlawful for any person other than the said master and wardens, or their legally constituted deputy, to make any survey of hatches of sea-going vessels coming into the said port of New Orleans, or to make any survey of damaged goods coming on board such vessel—whether such survey be made on board or on shore, or to give certificates on orders for the sale of such damaged goods at auction, or to do any other of the acts and things prescribed by law for the said master and wardens to do and perform; and the person doing said illegal and forbidden acts, his instigators and encouragers, shall be liable and bound to pay *in solido* to the said master and wardens one hundred dollars damages, with costs, for each of said illegal and forbidden acts so done; and should such illegal and forbidden act be done at the instance, procurement and instigation of the master, owner or owners, or agent of such vessel, then the said vessel, her master and owners, shall be liable and bound to pay the said master and wardens the said amount of one hundred dollars damages, which amount in each and all of the cases above named may be recovered by the said master and wardens, by civil suit before any court having jurisdiction of the parties and amount, and in case

Master and Wardens to board and examine vessels.

Hatches opened in presence of a Warden. Ib.

Proviso.

River craft exempted.

Fees.

Penalty for unlawfully acting as such Master or Wardens.

of several violations of the provisions of this act by the same party or parties, it shall not be indispensable to institute a separate suit for each violation, but the said master and wardens may have and maintain their suit before any court having jurisdiction of the parties and amount for the aggregate amount of damages for which the defendant or defendants may be liable under the provisions of this act.

Fines to be sued for by the master and wardens for benefit of Charity Hospital. Acts of 1865, p. 162; Act of 1880, No. 99, p. 3.

DECISIONS OF SUPREME COURT.

The port wardens of New Orleans are not entitled to the exclusive collection of the pilotage due to pilots. 3 M. R. 125.

The port wardens are by law constituted sole judges of the necessity which requires damaged goods to be sold at auction. 6 N. S. 61.

The fees allowed to the master and wardens by the act of 17th February, 1821, are, at least when the services for which they are claimed have been rendered, not inconsistent with the Constitution of the United States nor with the act of Congress of 1812, admitting Louisiana into the Union. 10 R. R. 459.

The offices of harbormaster and port wardens of the port of New Orleans were organized by the act of March 31, 1805. By an act of the 8th March, 1841, the first section of that act, and all other acts providing for the office of harbormaster, were repealed so far as they related to the creation of said office; but the rest of the act of 1805 remains in force. It provides for the police of the port and for the appointment of a harbormaster, port wardens and pilots; assigning to them such duties as were properly to be exercised under the local territorial authority. It received the sanction of the Congress of the United States, and must be considered as having the authority of a law of the United States. We take section 11 to mean that the master and wardens have the sole right to order and direct the sale of damaged goods by public auction in the case provided in that section; that is, when called upon by the person commanding any ship or vessel arriving from sea. This construction gives us a wise law, one strictly constitutional and necessary in a seaport for the protection and guidance of masters of ships. The statute presents solely a matter of contract; neither a tax, a toll nor an impost of any kind or nature whatsoever purports to be imposed or is in contestation between the parties, etc. 6 An. 389.

The principal object for which the intervention of port wardens seems to be considered requisite is to determine when there exists a necessity for a sale, but when that fact is once established the actual sale is always to be made at public auction. 10 An. 796.

The provisions of the Act of 1855, organizing a Board of Port Wardens for the port of New Orleans, which allows such port wardens to demand from each vessel arriving from sea the sum of five dollars, *whether they be called upon to perform any service or not*, is not a charge imposed as duty without regard to a corresponding and equivalent benefit, and is not, therefore, unconstitutional. 14 An. 498; 6 Wal. 31.

Not responsible. 18 An. 669.

Legislature has right to designate by whom the hatches of sea-going vessels shall be examined. 26 An. 107.

Exclusive right survey damaged goods, a monopoly and unconstitutional. 96 U. S. (Otto's) 246; Foster vs. Master and Port Warden of New Orleans.

MAYOR.

SEE SECTIONS 19, 20 AND 54, CITY CHARTER.

ART. 1246. That the Mayor be requested hereafter to send certified copies of all ordinances and resolutions passed by the Common Council to the parties to whom they relate.

Copies of ordinance.
Nov., 1853.
O. S. 416.

ART. 1247. That the Mayor be and he is authorized to have a " seal " ordered for the city of New Orleans, so as to enable him to furnish copies of documents to the City Attorney and the several courts.

City Seal.
June, 1852.
O. S.

ART. 1248. (2) That the Mayor be authorized to raise any mortgage held by the city upon property subject to ground rent upon the exhibition of the City Treasurer's receipt or certificate showing that the payment required has been made.

To raise mortgages.
Feb., 1853.
O. S. 643.

ART. 1249. The Mayor of the city of New Orleans, as the chief executive of this corporation, whose duty it is to protect her interests and see the laws faithfully executed, is the officer who should represent her interests at all meetings of stockholders or elections for directors in any corporation or company in which, by existing laws, this city may be entitled to vote; and that he is hereby requested and empowered, in all such cases, to exercise any and all rights to which the city may be entitled, and to cast the vote of said city at all such meetings and elections.

To vote in corporations.
April, 1858.
O. S. 3874.

To relieve
payment of li-
cense in certain
cases.

July, 1870.
A. S. 228.

ART. 1250. That the Mayor is hereby invested with discretionary authority to relieve from the payment of city license such small shopkeepers or retailers of goods—intoxicating liquors excepted—as are using less than fifty dollars of capital in their business—this relief to be given only to those who from age, sickness, infirmity or other cause, are unable to earn a living by ordinary labor.

To select a
druggist.
August, 1871.
A. S. 1011.

ART. 1251. That the Mayor of New Orleans is hereby authorized to select a druggist to furnish medicines gratis to the poor of the city, and that for the payment of the same the interest accruing from the legacy of S. V. Sickles is hereby appropriated; any deficiency to be paid monthly by the city on the approval of the Council.

Requiring
patrolmen to
report business
firms.

Jan., 1870.
A. S. 4855.

ART. 1252. That the Mayor be and is hereby authorized and directed to issue an order commanding the patrolmen on each and every beat of the city to report all individuals and firms doing business on the same, the character of the business, whether wholesale or retail, the name of the proprietor or proprietors, and the location thereof.

PUBLICATION OF ORDINANCES—See *Ordinances and Official Journal*.

POWERS AND DUTIES AS EXECUTIVE HEAD OF POLICE FORCE AND BOARD—See *Police*.

ASSIGNMENT OF COURT OFFICERS—See *Recorders*.

REMISSION OF FINES, ETC.—See *Fines, etc*.

CERTAIN PREROGATIVES—See *Railroads*.

SUPERVISION OF BALLS, THEATRES, ETC.—See *Amusements*.

APPOINTMENTS—See *Alms-houses, City Hall, Council, Elections, Library, Offences, Trust Funds, etc., Streets, Wharves, etc*.

MELPOMENE, CAMP AND COLISEUM STREET CULVERTS.

Melpomene
and Camp
sts. canals.

Ord. No. 539,
C. S.
Jan. 24, 1884.

ART. 1253. (1) That from and after the passage of this ordinance it shall be unlawful for any person or persons to drive any team, wagon, cart, dray, buggy, carriage or other vehicle over or on the woodwork or

culverts of the Melpomene and Camp street canals, excepting at the intersection of cross streets, under a penalty of from five to twenty-five dollars for each offence, or imprisonment from five to twenty-five days at the discretion of the Recorder of the First District having jurisdiction.

Penalty-

ART. 1254. (2) That the Commissioner of Police and Public Buildings be and is hereby directed to erect sign boards in conformity with this ordinance, at such place or places along the route of said canals or culverts, as in his judgment he may deem best.

Sign boards.
Ib.

ART. 1255. That on and after the passage of this ordinance it shall be unlawful for any person or persons to ride any animal, or drive any vehicle, or operate bicycles or triicycles, or push a wheelbarrow, or skate on the Schilinger pavement covering the Camp and Melpomene street culverts; any violation of this ordinance shall be fined in the sum not to exceed twenty-five dollars or imprisonment not more than thirty days, or both, at the discretion of the Recorder.

Unlawful to
ride, etc.
Ord. No. 6740,
C. S.
Sept. 19, 1892.

ART. 1256. (1) That it shall be unlawful for any person or persons to ride or drive any horse or any animal, or wagon, cart, carriage or vehicle of any kind on the Camp and Coliseum street culverts, from Felicity street to Erato street, except when crossing at intersections, under penalty of a fine of from five to twenty-five dollars or imprisonment in the parish prison for from five to twenty-five days.

Camp and
Coliseum sts.
culvert.
Ord. No. 7773,
A. S.
April 18, 1882.

Penalty.

Appropriating funds, Ords. Nos. 5175, 6056, 6238, 6335, 6497, 6663.

Advertisement for bids, Ords. Nos. 5129, 5356, 5696.

Awarding contract, Ord. No. 5805.

Ord. No. 4166 repeals Ords. Nos. 3933, 4022 and 4029, C. S.

MERIDIAN LINES.

ART. 1257. That permission be and the same is hereby given to Lieutenant Noble, of the United States Coast Survey, to place near the junction of Basin and Canal, on Canal and Basin streets, stone or granite blocks, on

Meridian
lines.
Ord. No. 3806.

which are to be established permanently the lines recently obtained by observation made by said officer, "to mark meridian;" said stones or blocks of granite to be located under the supervision of the City Surveyor.

Meridian monument.

Ord. No. 3832.

ART. 1258. The Academy of Science of the city of New Orleans have made arrangements with Newton Richards, Esq., to furnish the necessary monuments for the establishment of points marking the true meridian in the city of New Orleans.

ART. 1259. The advantages to be derived from knowing the true meridian are very great, as it will be the means of securing a standard with which to compare our compasses and observe their variation.

ART. 1260. That the arrangements made as aforesaid by the Academy of Science, with Newton Richards, Esq., be and the same are hereby sanctioned and approved by the Common Council; provided, the work of laying down the monuments be superintended by the Surveyor—the city hereby binding herself to pay the expenses attending the same; provided, they shall not exceed fifty dollars (\$50).

METAL GUTTERS—See BUILDINGS.

MEDICINE, SURGERY AND MIDWIFERY.

ACT No. 49 OF 1894.

To regulate the practice of Medicine, Surgery and Midwifery; to create State Boards of Medical Examiners, and to regulate the fees and emoluments thereof; to prevent the practice of Medicine, Surgery and Midwifery by unauthorized persons; and to provide for the trial and punishment of violators of the provisions of this act by fine or imprisonment, or both; and to repeal all laws or parts of laws in conflict or inconsistent with this act.

Relative to the qualifications of persons practising medicine, surgery, midwifery and dentistry.

SECTION I. *Be it enacted by the General Assembly of the State of Louisiana*, That from and after the promulgation of this act no person excepting those already engaged under existing laws in the practice of medicine, surgery, midwifery and dentistry shall practise medicine in any of its departments within the State of Louisiana unless such person shall possess all the qualifications required by this act.

SEC. 2. *Be it further enacted, etc.,* That after the promulgation of this act any person before entering upon the practice of medicine in any of its branches, dentists excepted, shall present to the Board of Medical Examiners, as hereinafter constituted, a diploma from a medical college in good standing; said standing to be determined by the board, and shall pass a satisfactory examination before the board upon the following branches, to-wit: Anatomy, physiology, chemistry, principles of medicine, obstetrics, physical diagnosis, surgery, materia medica and hygiene. The person shall also satisfy the board that he or she is twenty-one years of age, of good moral character, and possesses at least a fair primary education. If said diploma and examination are satisfactory to the board they shall issue to such person a certificate in accordance with the facts.

Persons practising medicine must present to Board of Medical Examiners a diploma from a Medical College of good standing.

SEC 5. *Be it further enacted, etc.,* That every person practising midwifery in this State, on the passage of this act, shall, within ninety days thereafter, register with the Secretary of the Board of Health, in the parish of Orleans, and with the Clerk of the District Court in the other parishes of the State, in the manner provided for physicians, giving her age and length of time, and the place or places during, and at which, she has been engaged in said practice, and make affidavit thereto, and shall pay to the Secretary of the Board of Health in the parish of Orleans, or to the Clerk of the District Court in the other parishes of the State, as the case may be, a fee of one dollar. Said Secretary of the Board of Health of the parish of Orleans, or the Clerk of the District Court, shall issue a certificate to the one so registering, in accordance with the facts herein set forth, upon a blank form to be furnished by the State Board of Health, which shall entitle the holder to practise midwifery in the parish in which said certificate is issued. The Clerks of the District Courts of the parishes of the State, Orleans excepted, shall annually, on the first Monday in January, make returns to the Secretary of the State Board of Health in the parish of Orleans of all such certificates on record in his office.

Relative to persons practising Midwifery.

All persons beginning the practice of midwifery in this State after the passage of this act shall appear before one of the State Boards of Examiners and submit to such examination in midwifery as the board shall require, and if such examination is satisfactory the said board shall, upon the receipt of five (\$5) dollars, issue a certificate the same as provided for midwives in practice at the time of the passage of this act, which certificate shall be registered as in the manner provided for midwives in practice at the time of the passage of this act, but for such registration with the Secretary of the State Board of Health, or with a Clerk of a District Court, the holder of said certificate shall be required to pay a fee of fifty (50) cents only. This section does not apply to the so-called midwife of rural districts

Board to issue certificates to persons practising Midwifery.

and plantation practice, who, in the sense of this act, are not considered as practising midwifery as a profession.

Itinerant
vendor of
drugs, etc.

SEC. 12. *Be it further enacted, etc.,* That any itinerant vendor of any drug, nostrum, ointment, or application of any kind, intended for the treatment of disease or injury, or who may, by writing, print or other methods, profess to cure or treat disease or deformity by any drug, nostrum, manipulation, or other expedient, in this State, shall, if found guilty, be fined in any sum not less than twenty-five (\$25) dollars and not exceeding one hundred (\$100) dollars for each offence, to be recovered in an action of debt before any court of competent jurisdiction, or shall be imprisoned for a term of not less than ten (10) days or more than thirty (30) days, or be both fined and imprisoned.

Presumption
in certain cases.

SEC. 13. *Be it further enacted, etc.,* That any person shall be regarded as practising medicine, in any of its departments, within the meaning of this act, who shall append the letters M. D. or M. B. to his or her name, or repeatedly prescribe or direct, for the use of any person or persons, any drug or medicine or other agency for the treatment, cure or relief of any bodily injury, infirmity or disease. This act shall not apply to farmers and planters when exclusively practising, without compensation, on their employees and tenants.

Penalty for
violation of
this act.

SEC. 14. *Be it further enacted, etc.,* That any person practising medicine, in any of its departments, in this State, without first having obtained the certificate herein provided for or contrary to provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty (\$50) dollars, or more than one hundred (\$100) dollars, or by imprisonment in the parish jail for a period of not less than ten (10) days or more than ninety (90) days, or by both fine and imprisonment for each offence. It shall be the duty of the respective district attorneys to prosecute violations of the provisions of this act, before any court of competent jurisdiction.

Board shall
have power to
revoke certifi-
cates.

SEC. 15. *Be it further enacted, etc.,* That the said boards shall have power to revoke any permit or certificate issued by them whenever it shall appear that the physician thus licensed has been convicted of immoral conduct before a competent court.

Disabilities
of physicians
failing to com-
ply with this
law.

SEC. 16. *Be it further enacted, etc.,* That any practitioner of medicine, in any of its departments, failing to comply with the requirements of this act shall not be exempt from jury or military duty, nor be permitted to collect any fees or charges for services rendered, nor be allowed to testify as a medical or surgical expert in any court in this State, nor execute any certificate as a physician or surgeon, nor to hold any medical office, nor to be recognized by the State or parish or municipal corporation as a physician or surgeon; nor shall be entitled to enjoy any of the privileges, rights or exemptions granted to physicians or surgeons by the laws of this State.

Relative to practice of medicine and surgery, Act No. 31 of 1882, p. 66; Act of 1880, No. 129, p. 177; Act of 1861, p. 113; Act of 1869, p. 146; Act of 1855, p. 417.

MILITIA.

See Act No. 22 of 1878, E. S., p. 268; Act No. 142 of 1880, p. 204; Act Nos. 13 and 42 of 1892, pp. 25 and 46; Act 61 of 1894, p. 71.

MISDEMEANORS—See OFFENCES AND NUISANCES.

MISSISSIPPI RIVER—See SECTION 73, CITY CHARTER.

MORGUE.

ART. 1261. The morgue keepers shall take possession of and safely keep until the arrival of the coroner of the parish of Orleans the bodies of all deceased persons brought to said morgue in the same condition as when received. They shall prevent any person from disturbing or desecrating in any manner whatsoever the bodies of said deceased persons until after examination of said bodies by the coroner or his deputy. They shall perform all other duties that the said coroner may deem proper for the satisfactory conduction of said office.

Duties of
keepers.
Ord. No. 9132,
C. S.
May 8, 1894.

ART. 1262. That the said morgue keepers shall furnish a good and solvent bond in the sum of five hundred dollars (\$500), with sureties satisfactory to the Mayor, conditioned upon the faithful performance of said duties.

Bonds.

MCDONOGH FUND—See A LMSHOUSES, TRUST
FUNDS, ETC.

MACHINE SHOPS AND FOUNDRIES.

See FORGES AND FOUNDRIES.

PRIVILEGES.

Ord. 5259. Brown, L. W., machinery, foundry and ship yard, in square 8, 9, 13, 14, 15, 16, 23, 24, 25 and 26, 33 and 34, bounded by Mississippi river, Olivier, Broadway and Lowerline streets, April 28, 1891.

- Ord. 10,249. Brown, J. W., & H. B. Reese, machine shop, 839 Lafayette street. February 2, 1895.
- Ord. 10,390. Buler & Anderson, brass work, 922 and 924 Magazine street, March 7, 1895.
- Ord. 6783. Clarke, Wm. E., 459 and 461 Tchoupitoulas street, October 6, 1892.
- Ord. 10,540. Excelsior Brass and Machine Company, smelting furnace, Geo. Hiler & Chas. Kershaw, proprietors, 625 Baronne street, April 4, 1895.
- Ord. 2584. Killeen, Thos., Liberty, between Julia and Girod street, November 18, 1887.
- Ord. 8273. Maher, Jas., copper, brass and sheet iron machine works, Julia and Magazine streets, November 11, 1893.
- Ord. 6726. McArdle & Sinclair, foundry and machine shops, Louisiana avenue and Howard street, September 21, 1892.
- Ord. 2584. O'Connor & Reynolds, 103, 105 and 107 Julia street, November 11, 1887.
- Ord. 8250. Pike, Chas., to remove his iron works from Julia and Magazine to 187 Magazine street, November 2, 1893.
- Ord. 8614. Sutton Bros. & Co., copper, brass and sheet iron works, 90 Tchoupitoulas street, January 22, 1894.
- Ord. 9903. Stokes, Boiler and Sheet Iron Manufacturing Company, Limited, Broad, between Perdido and Poydras streets, November 2, 1894.
- Ord. 1123. Schultz & Wallace, 932 Magazine street, August 6, 1895.
- Ord. 6849. Thelen, T., blacksmith forge and brass furnace, 104 Tchoupitoulas street, October 20, 1892.
- Ord. 7430. Taylor, W. A., machinery, 228 and 230 Magazine street, April 14, 1893.

NEW ORLEANS.

See ASSESSORS, ATTORNEYS, BOUNDARIES, COMPTROLLER, COMMISSIONERS, CITY COUNCIL, CITY DEBT, CITY CHARTER, ELECTIONS, EMPLOYEES, IMPROVEMENT FUND, JURORS, LANDS AND LEVEES, MAYOR, ORGANIZATION, ORDINANCES, POLICE, RECORDERS, SURVEYOR, TAXES, TREASURER.

Urban portion of the city.
Ord. No. 479.
Dec. 15, 1852.

ART. 1263. That the portions of the city comprised within the following limits be declared as urban :

Following the upper line of the city to the centre of the Metairie road; following the Metairie road to the Bayou St. John; following the centre of Bayou St. John to Canal Marigny; following the centre of Canal Marigny to Elysian Fields and Florida avenue; thence

through the centre of Florida avenue to Canal Des Pecheurs, and up this canal to the river.

Rural Sections, Ordinance No. 391, New Series.

ART. 1264. That the Surveyor be and is hereby authorized and directed to make a book of sketches of all the immovable properties belonging to the city of New Orleans, and whether situated in the city or out of its limits.

Book of
sketches.
Ord. No. 3834
April 3, 1858.

That the said book of sketches shall be divided into five parts; one part for the properties situated out of the limits of the city, and the other four parts for the properties in each district. The said book of sketches shall be kept in the office of the City Surveyor, and it shall be his duty to enter, or to have entered, in the said book all the properties now owned, or which may hereafter be owned or discovered to be owned by the city of New Orleans. That the number of the square and the dimensions of each piece of ground shall be written in numbers, and the names of the streets by which the square is bounded shall be mentioned.

That a margin shall be left on each of the pages of said book, and in said margin, and opposite to each sketch, it shall further be the duty of the Surveyor to enter:

First—From whom the property was acquired and the date of said acquisition, and before what notary or court, and whether acquired by purchase, judgment, donation, or held in trust or in common with any person or corporation.

Second—Whether said property is improved or not.

Third—The value of said property.

Fourth—And when a property shall be sold, to enter the date of the sale, the name of the notary and of the purchaser or purchasers, the price and the conditions of the sale.

Fifth—And if the right or title to any property held by the city is questioned, then the name of the person and the date of such pretension shall also be entered.

Sixth—And the pretensions of the city of New Orleans to any piece of property shall also be entered, and the title under which the city pretends to said property.

ART. 1265. That the Surveyor be and he is hereby authorized to employ a draftsman to aid and assist him in preparing and perfecting said book of sketches and all other drafting necessary and required by the city in the Surveyor's department; said draftsman to receive for his services one hundred dollars (\$100) per month, to be paid monthly at the City Treasury.

Ordinance No. 3834. Approved April 3, 1858.

ACT 71 OF 1852.

To consolidate the city of New Orleans, and provide for the government and administration of its affairs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That all that portion of the parish of Orleans situated on the left bank of the river Mississippi shall be the city of New Orleans, and that all the free white inhabitants thereof shall be a body corporate by the name of the City of New Orleans, and by that name they and their successors shall be known in law, and shall be capable of suing and be sued, and of prosecuting and defending in all courts and in all actions and matters whatsoever, and may have a common seal, and may alter and change the same at pleasure, and by the same name they shall be capable of holding and conveying any estate, real or personal, for the use of said corporation, under the restrictions and limitations hereafter set forth.

SEC. 2. That the city of New Orleans shall be divided into nine wards, as follows, to-wit:

1. The first ward to extend from the line of the parish of Jefferson to the middle of Benjamin, Estelle and Thalia streets.

2. The second ward to extend from the last mentioned limits to the middle of Julia street, until it strikes the New Orleans Canal, thence down the middle of said canal to Lake Pontchartrain.

3. The third ward to comprise the residue of the Second Municipality.

4. The fourth ward to extend from the middle of Canal street to the middle of St. Louis street, until it reaches the Metairie road, thence along the middle of said road to the New Orleans Canal.

5. The fifth ward to extend from the last mentioned limits to the middle of St. Philip street, thence down the said street until its intersection with the Bayou St. John, thence along the middle of said bayou until it intersects the Metairie road, thence along the middle of said road until it reaches St. Louis street.

6. The sixth ward to be composed of the residue of the First Municipality.

7. The seventh ward to extend from the middle of Esplanade street to the middle of Champs Elysees street.

8. The eighth ward to extend from the middle of Champs Elysees street to the middle of Enghein street and Lafayette avenue.

9. The ninth ward to extend from the middle of Enghien street to the lower limits of the parish of New Orleans.

ACT 72 OF 1852.

Supplementary to an act to consolidate the city of New Orleans, and providing for the incorporation of the city of Lafayette with the city of New Orleans.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That the city of Lafayette be and the same is hereby incorporated with the city of New Orleans for municipal purposes only; that said city of Lafayette shall form part of the city of New Orleans, and as such shall be governed by all the laws relative to said city of New Orleans, and shall be entitled to all the rights, privileges and immunities enjoyed by said city of New Orleans, under existing laws.

SEC. 2. *Be it further enacted, etc.,* That the part now added to the city of New Orleans shall constitute the fourth district of said city, and be entitled to elect one Alderman; and said district shall be divided into two wards, viz:

One ward, which shall be the tenth ward of New Orleans, shall extend from the upper line of the parish of Orleans to the middle of First street, and shall elect two Assistant Aldermen: and

Another ward, which shall comprise the remainder of the present city of Lafayette, shall be the eleventh ward of the city of New Orleans, and shall be entitled to one Assistant Alderman; provided, that the number of Aldermen and Assistant Aldermen aforesaid shall be liable to be changed at each apportionment made by the Common Council of New Orleans of the representation of the several districts and wards of said city.

SEC. 3. *Be it further enacted, etc.,* That the said Fourth District of New Orleans shall form a Fourth Recorder's District and a Fourth School District of said city, and a Recorder and School Directors shall be elected for said Fourth District, in the same manner as for the other districts of said city of New Orleans.

SEC. 4. *Be it further enacted, etc.,* That the number of Aldermen of the city of New Orleans shall never be less than ten nor more than thirteen, and the number of Assistant Aldermen shall never be less than twenty nor more than twenty-seven, and that each ward shall have at least one Assistant Alderman.

SEC. 5. *Be it further enacted, etc.*, That the debt of the city of Lafayette shall be assumed and paid by the city of New Orleans, and the said city of New Orleans is hereby declared liable therefor; and the amount of said debt shall be ascertained and its payment provided for and made in the same manner as the debt of each municipality of New Orleans is ascertained and provided for, in the act to which this act is a supplement; and in raising annually the consolidation loan tax for the payment of the debt of New Orleans an additional sum of fifty thousand dollars shall be raised for the purpose of providing for the debt of the city of Lafayette, now added to that of New Orleans, so that the whole amount of the annual levy of taxes for the payment of the debt of New Orleans shall be six hundred and fifty thousand dollars.

SEC. 6. *Be it further enacted etc.*, All the rights, title and interest of the city of Lafayette in and to the lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, landing places and other property of any description whatever, and in and to all goods, chattels, moneys, credits, and all other movable or immovable property whatever, are hereby vested in the city of New Orleans, subject, however, to the same uses, trusts, pledges, limitations, charities and conditions as now exist in relation to said property.

ACT 7 OF 1870.

To extend the limits of the parish of Orleans and to change the boundaries of the parishes of Orleans and Jefferson, and to consolidate the cities of New Orleans and Jefferson, and to provide for the government of the city of New Orleans and the administration of the affairs thereof, and to repeal an act entitled "An act to incorporate the city of New Orleans," approved February 13, 1852; and to repeal all acts amendatory thereto, and to repeal an act entitled "An act to incorporate the city of Jefferson," approved March 9, 1850, and to repeal all the acts amendatory thereto, and to provide for the funding of the floating indebtedness of the corporations as consolidated by this act.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened*, That the following shall constitute the boundaries of the parish of Orleans, on the left bank of the Mississippi river, viz.: Commencing on the Mississippi river at the Fisher's Canal, thence along the left bank of the Mississippi river to the lower boundary line of the present city of Carrollton; thence along the said boundary line to a point where it intersects the present boundary line of the city of New Orleans; thence along said boundary line to Lake Pontchartrain; thence along the lake shore to the lower boundary line of the city of New Orleans; thence along said boundary line to the point of commencement on the Mississippi river; and that so much of the present parish of Jefferson

as is contained within the aforesaid boundaries is hereby detached from the parish of Jefferson and annexed to the parish of Orleans.

SEC. 2. *Be it further enacted, etc.*, That all that portion of the parish of Orleans situated on the left bank of the Mississippi river, and all that portion of the parish of Orleans situated on the right bank of the Mississippi river, shall constitute the parish of Orleans and the city of New Orleans, and that all the inhabitants thereof shall be a body corporate to be known by the name of the city of New Orleans, and by that name they and their successors shall be known in law, and shall be capable of suing and being sued and of prosecuting and defending in all courts and in all actions and matters whatsoever; and shall have a common seal, and may alter and change the same at pleasure, and by the same name they shall be capable of holding and conveying any estate, real and personal, for the use of said corporation, under the restrictions and limitations hereinafter set forth; and upon the first organization of the Council, as herein provided, shall be vested with all powers, rights, privileges and immunities incident to a municipal corporation, and necessary for the proper government of the same.

SEC. 3. *Be it further enacted, etc.*, That the city of New Orleans shall be divided into six districts, to be known and designated as follows: That portion lying between the middle of Canal street and the middle of Felicity street shall be known and designated as the First District; that portion lying between the middle of Canal and the middle of Esplanade street shall be known and designated as the Second District; that portion lying between the middle of Esplanade street and the lower limits of the city shall be known and designated as the Third District; that portion lying between the middle of Toledano street and the middle of Felicity street shall be known and designated as the Fourth District; and all that portion of the parish of Orleans situated on the right bank of the Mississippi river shall be known and designated as the Fifth District; that portion lying between the middle of Toledano street and the lower limits of the present city of Carrollton, thence along said boundary line to a point where it intersects the upper limits of the present city of New Orleans, shall be known and designated as the Sixth District.

ACT 71 OF 1874.

To annex the city of Carrollton to the city of New Orleans; to provide for the transfer of certain transcripts from the office of the Recorder; the transfer of books, papers, documents and property of the city of Carrollton, and also the public schools to the city of New Orleans; to provide for the debt of Carrollton; creating the Seventh District of the city of New Orleans, and a municipal court; a sanitary district, and repealing the act incorporating the city of Carrollton.

SECTION 1. *Be it enacted by the Senate and House of Representa-*

tives of the State of Louisiana, in General Assembly convened. That all that portion of the parish of Jefferson being and lying below the centre of Upperline street of the city of Carrollton, commencing at the Mississippi river and extending northwardly along the centre of said street to its terminus, and thence along the centre of the line of the New Orleans and Carrollton Railroad to Lake Pontchartrain, shall be and constitute the upper boundary line of the parish of Orleans and the city of New Orleans, and all that portion of the city of Carrollton thus detached from the parish of Jefferson and added to the city of New Orleans and parish of Orleans shall be governed by the Mayor and Administrators of the city of New Orleans in accordance with existing laws, except so far as not inconsistent with this act.

SEC. 2. *Be it further enacted, etc.,* That the territory of the parish of Jefferson annexed by this act to the city of New Orleans shall be and remain and constitute a part of the Second Judicial District of the State, and that the terms of court for the parish of Jefferson shall be holden at such place in the parish of Jefferson as may be designated by the police jury, right bank, who are hereby authorized to establish the parish seat of said parish of Jefferson.

SEC. 3. *Be it further enacted, etc.,* That immediately after the passage of this act it shall be the duty of the Recorder of the parish of Jefferson to make out and deliver within the shortest possible time, in good and substantial books or registers, with separate index to each:

First—For and unto the Recorder of Mortgages for the parish of Orleans, true and correct transcripts of all mortgages, donations, marriage contracts, privileges or other encumbrances that have been inscribed and not erased upon the records of mortgages of said parish of Jefferson since the creation of said records of mortgages, concerning or in any wise affecting any and all real property situated within the limits of that portion of the parish of Jefferson which is annexed by this act to the parish of Orleans.

Second—For and unto the Register of Conveyances of the parish of Orleans, true and correct transcripts of all conveyances or alienations of any property lying or being within the aforesaid limits, annexed to the parish of Orleans as aforesaid, that have been registered or inscribed upon the records of conveyances of said parish of Jefferson since the creation of said office of parish Recorder or Register of Conveyances.

SEC. 4. *Be it further enacted, etc.,* That the several transcripts when so made and delivered and certified to be true and correct by said parish Recorder shall have the same validity, force and effect as original inscriptions on the records of the parish of Jefferson, and shall form and constitute a part of the records of the respective offices of the Recorder and Register of the parish to

which the same is transferred; and the charges and expenses attendant upon the performance of said work shall be paid by the city of New Orleans, for which the same is done, as was allowed by law to the Recorder of the parish of Jefferson for such transcripts when that portion now known as the Sixth District was annexed to the city of New Orleans.

SEC. 5. *Be it further enacted, etc.*, That all the rights, titles and interest of the city of Carrollton as now existing in and to all lands, tenements, hereditaments, bridges, ferries, streets, roads, wharves, markets, stalls, levees and landing places, buildings and other property of whatsoever description and wherever situated, and of and with all goods, chattels, money, effects, dues, demands, bonds, obligations, judgments and judgment liens, actions and rights of action, books, accounts and vouchers, be and they are hereby vested in the city of New Orleans; provided, that all estates, income, funds or property of every description now held in trust by said city of Carrollton, or which shall have been specially pledged or affected by the payment of any debt, shall be held by the city of New Orleans under this act upon and for the same uses, trusts, limits, limitations, charities and conditions as the same are now held; and the debt and all other indebtedness or liabilities of the city of Carrollton, including the funding and improvement bonds and the bonds issued to the Jefferson City Gas Light Company, and known as the gas bonds and notes, interest coupons, wages, salary due or to become due, warrants or other species of obligations whatsoever, shall be assumed and paid by the city of New Orleans, and said city is hereby declared liable therefor; provided further, that all officers of said city of Carrollton shall continue as at present constituted to discharge the duties of their respective offices until this act of incorporation can be completed by putting into possession of the proper officers of the city of New Orleans the books, papers, records, documents and other property now belonging to the city of Carrollton and no longer; and after which time all the powers, rights, privileges and immunities possessed and enjoyed by the Mayor and Council of the city of Carrollton shall cease and terminate; and provided further, that the claims or vested rights of any person or persons or company or corporation of said city of Carrollton that have been granted, acquired or received from or against said corporation of the city of Carrollton or otherwise shall not be interfered with, divested or impaired by this act, nor by the city of New Orleans without adequate compensation.

SEC. 6. *Be it further enacted, etc.*, That the portion of the territory of the parish of Jefferson, annexed as aforesaid to the city of New Orleans, shall constitute the Seventh District of said city of New Orleans, and for said Seventh District there shall be established an additional municipal police court, called the Fifth Municipal Police Court, and which shall have jurisdiction over

all that portion of said city embraced in said Seventh District; and the judge, clerks and other officers of said court shall exercise all the rights, powers, and perform the duties in the manner and form and receive the pay and emoluments as now determined and provided by law for the several judges, clerks, etc., of the existing municipal courts for the city of New Orleans; and the Governor shall, immediately after the passage of this act, appoint and commission, for the term specified by law, a judge, clerks and other officers for said court, as prescribed by law; and the present Mayor, in his capacity as committing magistrate and Recorder for said city of Carrollton, shall turn over and transfer without delay all books, records, etc., belonging to said Mayor's court to the Fifth Municipal Court created by this act.

See Act 20 of 1882 for present boundaries.

Prohibiting the justices of the peace in the city and parish of Orleans from issuing processes of garnishment against the city of New Orleans and the Board of Metropolitan Police.

Justices of the peace prohibited from issuing process against city of New Orleans or public board

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened, That* the justices of the peace within the parish and city of New Orleans are prohibited from issuing any process of garnishment against the city of New Orleans and the Board of Metropolitan Police, and from serving any citation or interrogatories on the Mayor of New Orleans or any officer of said city or Board of Metropolitan Police or commissioners or officers of said Metropolitan Police.

DECISIONS OF SUPREME COURT.

1. The incorporated limits of the city of New Orleans terminate at the water's edge, and include no part of the river. 5 La. 466; 17 La. 573.

2. Milneburg, on Lake Pontchartrain, is considered to be within the incorporated limits of New Orleans, and subject to city ordinances and police regulations. 13 La. 70.

3. When the act of incorporation does not expressly include the inhabitants of a certain place within the city limits, yet if they considered themselves residents within the limits of the city, and enjoyed the rights of other residents of the city, this will be regarded as a practical interpretation of the law, and of including and subjecting them to the police regulations. 13 La. 70.

4. The plan of a portion of the faubourg St. Mary, drawn on the 1st of April, 1778, by L. Trudeau, is the earliest plan of the faubourg known to exist. 19 La. 62.

5. The territory of the city of New Orleans was composed, at the time of its incorporation, of urban and rural property, the latter being by far the most extensive. 2 An. 611.

6. The city of New Orleans was founded by Governor Bienville about the year 1718. A copy of the plan which the city has obtained from the Minister of Marine and Colonies in France, made by Engineer De Lassas in 1726, exhibits the city of that period and its environs. The first concession of land below the city was more than half a mile distant, and all the intervening space was marked as commons of the city. It was fortified at its foundation, and an esplanade was left outside for the use of the fortifications. By Depanger's plan (made May 29, 1724) it will be seen that the city was at that period laid off into parallelograms down to Barracks street, and the barracks were situated at the corner of that street and the levee. The fortifications were maintained and enlarged from time to time, until the treaty of peace between France and Great Britain in 1763, when the province was ceded to Spain. In 1794 Baron Carondelet surrounded the city with new fortifications, in which he was aided by Lareau Trudeau, the surveyor general of the province. 5 An. 724.

7. The City Council possess the power to remove, as nuisances, buildings, etc., which encroach on the line of the street, and to regulate the public ways, and maintain order and safety thereon, and to demolish works which tend to interrupt, embarrass or impede the use of the banks of the river or public grounds and squares. 1 Martin 87; 4 Martin 10; 3 La. 563.

8. The corporation of New Orleans possess full power to make by-laws to maintain the cleanliness and salubrity of the city, and may abate nuisances, as a private hospital; and it would require a strong case to induce the court to interfere with its exercise. 5 N. S. 409; 5 An. 747; 10 An. 227.

9. The corporation is authorized to prohibit the sale of oysters in the city except in certain designated stands. 2. La. 219.

10. Ordinances of the City Council directing sales of all property remaining on the levee a longer term than is authorized by the police regulations is unconstitutional and void; so is the statute of 1834, authorizing the Council to pass such ordinances. The corporation possess the power to remove encumbrances from the levee, streets, etc., at the expense of the owner. 4 La. 97, 98; 15 La. 129.

11. The corporation is the administrator of the use of the banks of the river, and of the batture outside of the levee, for the general convenience and the great objects of public utility, and must necessarily possess all the powers and authority requisite to effect those objects; it has a right to all the advantages it may produce, and can make banks and improvements to increase the revenues. It has not only the right to use the earth taken from the batture, in the construction of wharves, embankments and levees, but also for the purpose of improving the port, and streets and avenues leading to it. 18 La. 278.

12. A purchase of real estate by the corporation, with a view

to divide it into lots and streets, and to resell the same for the purpose of improving the cleanliness and salubrity of the city and the convenience of the streets, is legal. 2 R. R. 491.

13. The erection of wharves at such places as commerce may require is a legitimate exercise of municipal power. 6 R. R. 349.

14. The municipal authorities are bound to preserve unobstructed, for public use, the streets of the city and the banks of the river; and though they may tolerate, temporarily, works not deemed injurious to the rights of the public, no permission of a Council can prevent a subsequent Council from putting an end to such toleration. 6 R. R. 349.

15. Corporations are responsible for exercising, through their officers, in an unskilful and improper manner, powers vested in them by their charter. 5 An. 660.

16. Laws enacted under the State Constitutions, establishing and regulating the municipal rights and powers of New Orleans are not contrary to the ordinary acts of legislation. The powers they confer are not franchises, in the original meaning of the word, but mandates only; and these laws may be repealed at pleasure, except so far as their repeal may affect rights acquired by third persons under them. They must be construed and applied in all cases like other laws. 1 An. 162; 5 An. 664.

17. The city of New Orleans is made, by the Constitution of the State, one of the permanent functionaries of government; and the laws by which it is organized are eminently laws for the preservation of public order, from the force and obligation of which individuals can not derogate by their conventions. 1 An. 435; 3 An. 313; 5 An. 664.

18. New Orleans has not all the powers which belonged to the city under the French government of Louisiana, nor those of the cabildo under the Spanish government. Since the legislation in our Codes on the subject of corporations, the express delegation in the Act of 1805, organizing the city government, the radical change in our political system by the transfer of Louisiana from the French republic to the United States, the repeal of the laws of Spain in 1828, and our own settled jurisprudence in relation to the political corporations of the State, it is useless to look for our municipal powers elsewhere than our Code, legislation and jurisprudence. 3 An. 294.

19. The first section of the Act of 1805, restricting the right of the corporation of New Orleans to hold real estate to such as is situated within the limits of the city, does not include slaves. 2 An. 897.

20. The statute of February 17, 1805, confers, in general terms, powers of administration, and, by its various special delegations of authority, excludes the idea of any other power being granted than such as is required by the police and preservation of good order among the population. 3 An. 294.

21. The word "canals," in the 16th section of the statute of February 17, 1805, authorizing the Mayor and City Council of New Orleans to cause common sewers, drains, canals, pavements and bridges to be built and constructed in every part of the city, means canals for draining and not for navigation. 3 An. 2940

22. The power to relieve the indigent sick, and to provide for the poor who are unable to labor, is conferred on the municipal authority of New Orleans by act of March 14, 1816, section 1, and February 17, 1821, section 2. 4 An. 42.

23. The Council is the sole judge of the validity of the election of its members, and the law giving the Council this exclusive power is not unconstitutional. 7 N. S. 1.

24. The Council is authorized to establish by ordinance a uniform rate of wharfage, to be paid by ships, steamers, and other vessels moored in front of any part of the city. 2 An. 538.

25. Whatever effect the by-laws and ordinances of a Municipal Council may have, they are not laws passed by the Legislature of a State, and they are not to receive the same strict scrutiny as penal statutes, where they inflict fines as penalties for their contravention.

Section four of the act of March 14, 1816, which provides that "neither the Mayor, Recorder nor any Alderman then in office, shall be allowed, in his own name, or through the medium of others, to become a lessee or bidder for any branch of the revenues of the city," etc., can not be considered as prohibiting such persons from leasing any lot of ground or other property not forming an entire branch of the revenue of the city. 3 R. R. 368.

26. The act of May 4, 1847, to provide for the payment of the debts of the municipality of New Orleans, gave a certain destination to the sinking fund, by which vested rights were acquired that could not, under Art. 109 of the Constitution, be divested by a subsequent act of the Legislature. The act of March 20, 1850, providing for the liquidation of the city debt, gave a different destination to the sinking fund, and is consequently unconstitutional. 6 An. 21.

27. Our laws secure the public use of the banks of navigable rivers, and within the incorporated limits of towns the municipal government is authorized to regulate that use; but their regulations must be in furtherance of the public use to which the banks are subjected, and can not be taken advantage for the purpose of forever enjoying the property of the riparian proprietor, which is not necessary for further use. 6 An. 450.

28. The public have the right to use the banks of navigable rivers; but the right does not authorize the permanent location of a dry dock in front of the land owned by another person. 6 An. 450.

29. The right to establish public places and to change their destination is an attribute of sovereignty which the Legislature

may delegate to corporations. The Legislature of Louisiana has delegated this power to the city of New Orleans without reservation. Under the grant it is competent for the city government to accept a dedication of public streets, and equally competent for it to annul the acceptance before the streets have been opened; provided, no vested right, acquired under the dedication, is affected by the change. 7 An. 270; 8 An. 145.

30. Towns and cities may be projected, and streets, public squares and roads may be laid out on plans; but so long as the ground remains enclosed, and no portion of it is sold with reference to those plans, and no express dedication is made and accepted by the proper authority, the right of the owner to the soil which those streets, public squares and roads cover, is not affected thereby. When neither the dedication nor the acceptance are express, the rights on behalf of the public must be supported by long continued usage. 7 An. 233; 9 An. 597; 10 An. 81.

31. In relation to public places and streets within the city the municipal authorities represent not only the corporation but also the public. A final judgment against them is a judgment against the public, and no individual can bring the point adjudicated again before the courts. 7 An. 498.

32. Municipal corporations are expressly authorized to receive legacies by the Civil Code (Art. 423), and by the whole course of legislation on the subject. 8 An. 170.

33. Under the successive Constitutions of Louisiana, the city of New Orleans and its officers have been made permanent functionaries of government for all purposes of police and good order and for the punishment of minor crimes and offences. The police and good order of a city include the education of youth and the care of the poor within its limits. 8 An. 171.

34. It may well be doubted whether a servitude of prospect can be established in our modern cities where the squares are contiguous and no open space save the streets and public squares are habitually left, except, perhaps, in the case of adjoining lots. The right of perpetual front on the river is a new and unusual servitude, which, even if established by title, would not be recognized. 8 An. 145.

35. The Mayor and Aldermen, etc., of New Orleans are fully empowered to enact ordinances and adopt measures of police for preserving the health and promoting the comfort, convenience and general welfare of the inhabitants. 10 An. 227.

36. A resolution of the Common Council, directing a city officer to abate a particular nuisance under a general ordinance, is legal, and can not be assimilated to an ordinance inflicting a fine or penalty upon a particular individual. 10 An. 227.

37. The statute of March 18, 1850, creating a distinction between urban and rural property, in preparing the budget of receipts and expenditures of the city of New Orleans, is repealed by the consolidation act of 1852. 10 An. 454.

38. A cemetery is an indispensable part of every city or town, and wherever situated must be in the neighborhood of private property. Such cemetery is not a nuisance because it depreciates the marketable value of the property in the neighborhood. 11 An. 244; 10 An. 431.

39. The several acts of the Legislature giving to the city police powers over the batture were never intended to disturb the rights of property; and had such been the objects of the statutes they would, to that extent, have been nullities. 11 An. 148.

40. The city is responsible for damages occasioned by the tortious acts of municipal officers, done within the scope of their employment and ratified by their superiors. In such case, when the evidence is unsatisfactory as to the amount of damages, and the property, of the use of which the plaintiff had been deprived, is of trifling value, only nominal damages will be awarded. 12 An. 15.

41. The principles of law settled the case of *Stewart vs. The City of New Orleans*, 9 An. 461, reaffirmed. Under the authority held, that the city was not liable in the present case for the non-feasance or misfeasance of the officers of the police jail. 12 An. 190.

42. Such portion of the Act No. 71 of 1852, entitled "An act to consolidate the city of New Orleans, and provide for the government and administration of its affairs," as are not contrary to the Act No. 164 of 1856, entitled "An act to amend an act entitled an act to consolidate the city of New Orleans, and to provide for the government of the city of New Orleans and the administration of the affairs thereof," are not repealed by the latter act. 12 An. 432.

43. Nuisances may exist in the city without rendering the same liable for the consequences. The city at large can not be held responsible for the acts of third persons, which, under a more sagacious and efficient police, might possibly have been prevented. The city is no general warrantor against the acts of individuals. 12 An. 481.

44. The acts of the Legislature, which, in consolidating the three municipalities and the city of Lafayette under one government, directed that the debts of each, which were to be assessed by the city at large, should alternately be liquidated and paid by taxation of the inhabitants of the respective districts, in proportion to the burden which they imposed upon the new government by their respective debts, were not contracts. There was nothing to prevent the Legislature from changing its policy, and providing it was done by the act of 12th of March, 1856, that the taxes should be equal and uniform within the entire limits of the city. The statute complained of is a liberal compliance with the commands of the Constitution, and does not violate any contract or interfere with any vested rights. As respects muni-

icipal corporations it has always been held that the law of the State creating them and conferring upon their officers a part of the sovereign authority as mandataries of the government is not a contract, and, as a consequence, that the Legislature may modify such acts of incorporation at its pleasure. 12 An. 515.

45. No remedy is given by statute against a parish for a private injury caused by the absence of bridges or neglect to keep them in repair. Where it was not shown that the police jury of the parish were under a legal obligation to keep the bridge over a certain water course always in repair: Held, they were not liable for damages occasioned by the ruinous condition of the bridge. 12 An. 858.

46. The Legislature had the power to abolish entirely the corporation of the former city of Lafayette, until it became incorporated in the city of New Orleans, and was finally projected as a part of the same by the Constitution of 1852. 12 An. 515.

47. Corporations possess only *jura minoram*. They have not the power of contracting on all subjects like persons of full age and *sui juris*. Having only such powers as are conferred by their acts of incorporation, they can not be bound by contracts made by those not authorized to represent them. The city corporation can not be bound for any contract made without its authorization expressed by a resolution of the Common Council. 12 An. 496.

48. Where it is alleged that a municipal corporation has exercised a lawful power in an injurious and malicious manner, the presumption will be in favor of the propriety and good faith of the acts of the corporation, and a complainant must make out a clear case of wilful oppression to obtain relief from the courts. 13 An. 426.

49. The section of the act of the 20th of March, 1858, entitled "An act relative to judicial mortgages against the city of New Orleans," which provides that no inscription of a judgment against the city shall operate as a judicial mortgage is not in violation of the article of the Constitution which declares that no law shall be passed impairing the obligation of contracts. 13 An. 504.

50. In an action against the city corporation to recover damages for injury done by a mob, when the defence pleaded with a general denial. Held, that under the pleadings the city might prove, in mitigation of damages, that the plaintiffs had exposed their property in the public markets in violation of an ordinance of the city requiring the markets to be closed at the hour when the injury was done, but that such evidence could not be received as a complete bar to the action. 14 An. 115.

51. A municipal corporation is not liable for damage done to private property unless the act which caused the damage was.

done without the authority, or, being authorized by law, was improperly or wantonly executed. 14 An. 120.

52. Where a public square is bounded on one side by private property the owner can not require that the town authorities, when the square is enclosed, should leave a space for a public way between the enclosure and the line of his property. 14 An. 152.

53. Where a municipal corporation was sued for an act of omission or non-feasance in not repairing a draining machine for public utility, by which neglect plaintiff's premises were overflowed and his property damaged. Held, that as the act complained of involved the disbursement of the corporate revenues, it was a matter of discretion with the corporate authorities, and if plaintiff was damaged it was *damnum absque injuria*, and he was consequently without sufficient cause for action. Held, also, that a corporation in such a case may avail itself of this exemption from the suit under the plea of general denial. 14 An. 920.

54. An ordinance of the City Council, ordering a blacksmith's shop to be closed as a nuisance, is authorized by law, and may be carried into effect by an injunction restraining the owner from continuing it. 14 An. 247.

55. The power of the municipal corporation to make contracts for the pavement of streets at the expense partially of the proprietors is clear. In the absence of proof of fraud, the acceptance by the corporation of work which it was authorized to contract for is *prima facie* evidence against the defendant, so far as relates to its completion and the manner in which it was done. 14 An. 297.

56. Where plaintiff received warrants for money due him on a contract, without objecting or taking them under protest that they were not for the whole sum due, his endorsing the warrants will preclude his claiming afterward that they were not drawn for a sufficient amount. 14 An. 389.

57. A party should not suffer by an omission from the specifications of a contract, when those specifications were drawn up by the opposite contracting party. 15 An. 667.

58. In the absence of proof to the contrary, it will be presumed that the city authorities have complied with the formalities of the law in making a contract: *omnia præsumuntur solemniter esse acta*. 17 An. 185.

59. The city of New Orleans is liable for the damages done to property by mobs in riotous assemblies. Act of the Legislature, approved 9th March, 1855. 20 An. Rep. 410; 23 An. 507; 28 An. 936; 32 An. 578.

60. An injunction against the city of New Orleans may be dissolved on motion without bond. The statute exempting the city from giving bond in all judicial proceedings, to which she is a

party, is general, and applies to the dissolution of injunctions. 20 An. Rep. 300.

61. The city of New Orleans, having decided that it was to the public interest to become the *owner of the soil* necessary to construct a levee and establish a public road, adopted the mode of *expropriation* prescribed by law by empaneling a jury of freeholders. The jury made their report of the quantity of ground necessary for the contemplated levee and roads and estimated the value thereof. Held, that the city having elected this mode of proceeding she is bound by the rules and regulations prescribed in such cases. 20 An. Rep. 394.

62. The right of the city to employ an attorney at law conversant with city affairs, to facilitate the collection of debts due her, is unquestionable, when in so doing she does not infringe on any of the rights of her officers. 20 An. Rep. 172.

63. The law of 1856, section 131, page 136, exempting the city of New Orleans from giving bond in litigations to which she is a party, does not apply to the Treasurer or other officers of the city. The statute exempting the corporation from giving bond is an exceptional one, and can not be extended to other parties than those mentioned. 21 An. Rep. 177.

64. Contract debts must provide means of paying. 29 An. 678; 30 An. 35; 33 An. 79, 386; 36 An. 430.

65. Must pay contract judgments. 32 An. 726, 884; 33 An. 79, 1180, 1248; 34 An. 43, 95, 204, 368, 491, 673, 1150.

66. Liability for damages. 28 An. 688; 12 R. 674; 3 An. 645.

67. The city having reserved in their proposals the rejection of any and all bids has that right without incurring any liability. 26 An. 754.

68. A duly authorized contract will be enforced against the city if the means of payment provided in the contract should fail, not due to the laches or fault of the contractor. 41 An. 839.

69. A municipal corporation after remitting the *bonus* and receiving taxes in lieu of same can not recover bonus, however true it be that the immunity from taxes was illegal. It can not claim both. 28 An. 497; 35 An. 548; 36 An. 432; 41 An. 904.

Interpretation of contract. 35 An. 273.

70. Failure to pay cash justifies abandonment of contract. 35 An. 523.

71. Salaries of officers can not be diminished by resolution of Council. 34 An. 128.

72. Salaries of clerks, etc. 37 An. 894.

73. Power to remove. 35 An. 1075.

74. Taxation. 32 An. 709; 33 An. 79, 567.

75. The Legislature can not so alter the charter of a corporation as to affect the rights of third persons previously acquired under the charter. 30 An. 1371.

76. Mandamus to compel levy of tax. 34 An. 477; 85 An. 68, 221, 781.

77. Change of charters does not affect identity of corporation. 39 An. 439.

78. Right of State to recall and abrogate any powers previously conferred on any municipal corporation. 38 An. 412.

79. Officers can not create obligations binding on corporations unless authorized. 12 An. 496; 29 An. 673; 15 Wal. 5666; 42 An. 163; 2 Woods, 128.

80. The parish of Orleans is the city of New Orleans' boundaries. 27 An. 156; 24 An. 513; 28 An. 38, 42, 873; 29 An. 428.

81. No *fi. fa.* can be issued against city of New Orleans. 23 An. 708.

82. Contract of banks, etc. 42 An. 614.

83. Courts of this State have no power by injunction to prevent a municipal corporation from enforcing police ordinances in the interest of public order and health, penal in their nature. 42 An. 629.

84. The Council is without power to sell for even a limited time the exclusive privilege to use a street for any particular purpose. It can only regulate their use and management. 44 An. 748.

85. City ordinance inconsistent with and in conflict with the general policy of the State is illegal, null and void. 45 An. 34.

86. Under the general welfare clause to be found in all municipal charters, which is often implied from the other powers granted, the city can not enlarge these powers further than necessary to carry into effect the specific power granted. 45 An. 954.

87. A municipal corporation is not liable for damages done to private property unless the act was done without authority of law, or being authorized by law was improperly or wantonly executed. 46 An. 1528.

88. The legislative character of the municipal corporation being a specified act, apart from the body of the general laws of the State, it can not be repealed by a general law of the State, unless that intention clearly appears from the terms of the general act; and that the general act shall repeal the special law it must appear that the provisions of the former are irreconcilably inconsistent with those of the latter. 47 An. 618.

89. The Municipal Council has the authority in public interest to make extensive and varied regulations as to the time, mode and circumstances one shall exercise his right to private property; but without showing cause sufficient, an owner can not be divested of his property. 47 An. 1029, 1660.

NEUTRAL GROUNDS.

See OFFENCES, PARKS, ETC., AND STREETS.

Claiborne st.
Ord. No. 4455,
C. S.
April 29, 1890

ART. 1266. The neutral ground on Claiborne street or all that portion thereof between the two inner rows of shade trees is a public place, and that full control thereof is given and confided to the government of the city of New Orleans by the Constitution and laws of the State, particularly by the existing charter of the city, and that the said city government has full and complete police power and control over the same and over all streets, public ways and public places within the city limits. That the public welfare, health, safety and comfort of the inhabitants of this city require that the said middle or neutral ground on Claiborne street, and all of that portion thereof lying between the two inner rows of shade trees, shall be kept open and free from all traffic, obstruction, or use as a roadbed for any railroad, and from all use or occupancy as a railroad bed or track or tracks or other structure or work to be used for railway traffic or transportation of either freight or passengers, and that the construction and operation of any such railway, or the carrying on of any such traffic on said middle ground on Claiborne street, or the construction of any work that will in any way cover, partially cover or interfere with free access to the drainage canal on Claiborne street, beyond what is necessary to bridge and make crossings for the streets of the city crossing Claiborne street, will be and is hereby declared dangerous and will impair the public health, safety and comfort of the inhabitants of this city, and divert the said Claiborne street and the middle ground thereof from its true proper necessary municipal use and destination, and is hereby declared a dangerous public nuisance, and will be dealt with as such to the full extent of the police power to prevent and abate nuisances and control all municipal public streets, ways and places, vested in the city of New Orleans by law and its charter, and that all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

• ART. 1267. (1) That on and after the passage of this ordinance it shall be unlawful for any person or persons to ride on horseback, or to drive any horse or vehicle, or turn out any cattle, or in any manner exercise the same on the neutral ground of St. Charles avenue from the Lee Circle to Carrollton avenue.

Riding or
driving on St.
Charles ave.
Ord. No. 7440,
C. S.
April 1, 1893.

ART. 1268. (2) That any one found violating the provisions of this ordinance shall be deemed guilty of a misdemeanor, and shall be punished by a fine of \$25 or thirty days' imprisonment in default of the payment of said fine, for each and every violation of this ordinance, one-half of the fine so collected to be turned over to the commissioners of St. Charles avenue to be used in the embellishment of said neutral ground. The other half of the fine so collected shall be paid to the informer for arrest and conviction of any one violating this ordinance.

Penalty. Ib.

ART. 1269. That permission be and is hereby granted to the Society Prevention Cruelty to Animals to erect watering troughs on such side streets near St. Charles avenue as is found most desirable for the purpose, the construction of the troughs and their location to be approved of by the City Engineer.

Watering
troughs near St.
Charles ave.
Ord. No. 7479,
C. S.
April 25, 1893.

ART. 1270. That the permission given to locate these watering troughs on the neutral ground of St. Charles avenue be and the same is hereby repealed.

Permission to
locate on St.
Charles avenue
repealed. Ib.

CANAL STREET.

ART. 1271. That the City Engineer and Commissioner of Public Works be directed to notify the Canal and Claiborne Railroad Company to elevate their tracks to a grade to be established by the City Surveyor and approved by the City Council, and the grade thus established shall constitute the proper and established grade of Canal street neutral ground from Claiborne street to the head of Canal, at the terminus of said company's line; that the said notice shall also embrace directions to said company to raise the said neutral ground to the grade established under this ordinance, as well as to construct the necessary crossings at the intersection of all the streets from the head of Canal street to Claiborne street.

Grade of
Canal st.
Ord. No. 8595,
C. S.
Jan. 16, 1894.

ART. 1272. That upon failure of said Canal and Claiborne Railroad Company to comply with the joint notice

Failure to
comply with
said grade by
Canal and Clai-
borne Railroad
Co.

provided for herein, the said Commissioner of Public Works and City Engineer shall notify the Council of the failure or neglect of said company so that the Council shall advertise for bids for said work to be performed by the contractor according to the plans and specifications to be prepared by the City Engineer and approved by the Commissioner of Public Works, and it shall be the duty of the City Council to give the contract to the lowest bidder.

Duty of City
Attorney.

ART. 1273. That as soon as the work contracted for shall be completed and certificates given for the work, the City Attorney shall, upon the written notice from the Mayor, be directed to bring suit for the recovery of the amount expended.

FRANKLIN STREET.

Franklin st.
Ord. No. 7720,
C. S.
June 13, 1873.

ART. 1274. That the plan as submitted by the City Engineer for a neutral ground on Franklin street, between Euphrosine and Jackson, be and the same is hereby approved.

URSULINE STREET.

Fixing width
on Ursuline
ave. from Clai-
borne to Broad.
Ord. No. 9867,
C. S.
Oct. 9, 1894.

ART. 1275. That thirteen feet, measured from the gutter's edge of the banquettes, as now existing, and measuring twenty-five feet on Ursulines avenue, from Claiborne street to Broad street, shall be neutral ground.

Control.

ART. 1276. That the said neutral ground shall be placed under the control of the Ursulines Avenue Improvement Association, with same power to beautify and improve as was vested to it by Ordinance No. 5639, adopted by the Council of the city of New Orleans, September 29, 1891.

City Engi-
neer's approval

ART. 1277. (2) All plans and specifications for the improvement of said neutral ground by the Ursulines Avenue Improvement Association shall be submitted to the City Engineer for approval.

Repealing
clause.

ART. 1278. (3) All ordinances or parts of ordinances contrary to or in conflict with are hereby repealed.

CLAIBORNE STREET.

ART. 1279. That it is necessary for the safety of the lives and property of the people of the city of New

Orleans, and for the prompt notification and application of means and appliances for the extinguishment of fires, that the present fire alarm observation and bell tower now erected on the middle ground on Claiborne street, between the crossing of St. Peter and Orleans streets, shall be enlarged and increased in efficiency, and that the entire middle ground on Claiborne street, between the crossing and the intersection of St. Peter street and Orleans street, including the entire space between the two inner lines of trees on the said middle ground, is hereby dedicated to that purpose as a superior municipal necessity and use, and that the City Surveyor be required to forthwith prepare and submit to the Council detailed plans and specifications for the construction of a tower to supply the place of the present structure, to be one hundred feet in height, with a base of as near fifty feet square as can be constructed on said space so herein dedicated to that purpose.

Bell tower on
Claiborne
street
Ord. No 4454,
C. S.
April 20, 1890.

The lower story so enclosed and fitted as to be a safe place for storing all tools, machinery and materials needed for the construction and repair of the Electric Fire Alarm telegraph system of the city, and that as soon as said plans and specifications shall be approved by the Council that the Comptroller advertise for bids for the immediate construction of said tower and the transfer of the bell apparatus and attachments of the present insufficient tower to the new tower as soon as completed.

ART. 1280. (2) That this ordinance shall take effect from and after the date of its promulgation, and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Repealing
clause. Ib.

DELORD STREET.

ART. 1281. That the neutral ground on Delord street, between Rampart and Baronne, be placed under the care of the Illinois Central Railroad Company for the purpose of being graded, sodded, mowed, and hereafter kept in good order.

Ord. No. 6081,
C. S.
Feb. 23, 1892.

TULANE AVENUE.

ART. 1282. That the plan as submitted by the City Engineer for the establishment of a neutral ground on Tulane avenue, between Galvez street and Carrollton

Ord. No. 11,467,
C. S.
Oct. 15, 1895.

Neutral ground estab-
lished. Ib. avenue, so as to provide for a neutral ground 19 feet 6 inches in width and a road on each side of same 21 feet wide, and sidewalks 22 feet 6 inches wide, be and the same is hereby approved, and the City Engineer is hereby directed in preparing the specifications for the paving of said street to make them conform therewith.

ART. 1283. That a neutral ground be established on Tulane avenue, from Galvez street to Carrollton avenue, and that the said neutral ground be and the same is hereby dedicated to the public for its use and enjoyment, and the said neutral ground shall be nineteen feet six inches (19 feet 6 inches) in width, with a roadway on each side twenty-one feet (21 feet) in width, and the sidewalks shall be twenty-two feet six inches (22 feet 6 inches) in width, in accordance with the plan of the City Engineer, submitted to the City Council and approved in section 1 of this ordinance.

PRIVILEGES.

- Ord. 7439. Bellan, Ed, setting aside 12x20 feet on Elysian Fields street, Milneburg, for refreshment saloon, April 17, 1893.
- Ord. 3766. Everett, John, St. Claude street, from tracks of Shell Beach Railroad Company to the curb on river side of neutral ground, below Spain and Poet streets, for storage of wagons, in consideration to repair river-side of St. Claude street from Spain to Poet streets and keep same as well as gutters, bridges, etc., in good repair, May 29, 1889.
- Ord. 11,354. Lafaye, Paul, confectionery and news-stand in passenger depot erected by the Canal & Claiborne Railroad Company on neutral ground on Claiborne street, at intersection of Elysian Fields street, September 24, 1895.
- Ord. 11,532. New Orleans Cold Storage Company, an office over sidewalk in front of their building on Front street, between St. Joseph and Julia streets, said office to be elevated at least 12 feet from the sidewalk, 12x30 feet, October 29, 1895.
- Ord. 3722. Moffat, A. W., Basin street, from middle of block, between Conti and St. Louis streets to its intersection with the roadway of the Carondelet Canal, for piling lumber thereon, on paying twenty-five dollars monthly in advance, May 9, 1889.
- Ord. 7438. Panin, Geo., setting aside twelve (12) feet by twenty (20) feet for soda water stand on Elysian Fields street, Milneburg, April 17, 1893.
- Ord. 10,313. Patorno, J. B., to erect and operate a photographic gallery on neutral ground on the levee, February 12, 1895.

NEW ORLEANS AUXILIARY SANITARY ASSOCIATION.

ART. 1284. (1) That the city of New Orleans does hereby grant to the New Orleans Auxiliary Sanitary Association the free use and tenure of the following described property, with the right to construct the requisite supply or suction pipes therefrom to the proper distance into the Mississippi river, viz. :

Right to lay
pipe.
Ord. No. 698
A. S.
April, 1881.

ART. 1285. The portion of ground bounded by Toulouse, Jefferson and Clay streets, and a space of thirty feet in width between the woodwork of the wharf and the line of said portion of ground fronting the Mississippi river, meaning as follows: One hundred and twenty feet on the front roadway, and one hundred and twenty feet on Clay street, fifty-nine feet front on Toulouse street, and fifty-nine feet front on Jefferson street, having the corners of said street rounded; all being located and delineated in the accompanying plan.

Use and
tenure of prop-
erty.
Ib.

ART. 1286. The right to occupy, control and hold possession of said property is hereby granted to said association for said purpose during the period of twenty-five years; at the end of which time, or at any period that the land should revert to the city of New Orleans, the city shall pay to the New Orleans Auxiliary Sanitary Association the value of the improvements, machinery, buildings, etc., that may then be on said property, the value to be ascertained and fixed by the appraisalment of two arbitrators, one to be appointed by the city authorities and the other by said association. And in case of failure of these two appraisers to agree, they shall appoint an umpire, whose decision shall be final in fixing and determining the amount to be paid by said city to said association.

Term.

ART. 1287. Whereas, the New Orleans Auxiliary Sanitary Association has petitioned this Council to give them the use of a certain portion of land; and whereas, the city is convinced that the object will be conducive to public interest;

Use and ten-
ure of property.
A. S. 6442.
April, 1880.

ART. 1288. That the city of New Orleans does hereby grant to the New Orleans Auxiliary Sanitary Association the free use and tenure of the following described property, with the right to construct the requisite supply of suction pipes therefrom to the proper distance into the Mississippi river, namely: The portion of ground bounded by Celeste and Nuns streets, and the roadways fronting Peters or Water street, and the roadway fronting the Mississippi river, measuring — feet on Celeste street, — feet on Nuns street, — feet on the line of Peters or Water street, and — feet on line of the Mississippi River roadway, all described and located in the accompanying plan, made and signed this day by H. C. Brown, Esq., City Surveyor.

Reversion.

ART. 1289. The right to occupy, control and hold possession of said property is hereby granted to said association for said purpose during the period of twenty-five years, at the end of which time, or at any other period that the land should revert to the city of New Orleans, the city shall pay to the New Orleans Auxiliary Sanitary Association the value of the improvements, machinery, buildings, etc., that may then be on said property, the value to be ascertained and fixed by the appraisement of two arbitrators, one to be appointed by the city authorities, and the other by said association. And in case of failure of these two appraisers to agree they shall appoint an umpire, whose decision shall be final in fixing and determining the amount to be paid by said city to said association.

Morris Baths.
Ord. No. 5400,
A. S.
April 15, 1881.

ART. 1290. That Ordinance No. 6442, A. S., approved April 20, 1880, and Ordinance No. 6981, A. S., approved April 12, 1881, be so amended as to read as follows: Add to the words "twenty-five years" the words "from the passage of this amendment"; provided, the said property shall at no time, during the continuance of the right herein granted, be used for any other purpose than those designated in the ordinance.

ART. 1291. Whereas, The New Orleans Auxiliary Sanitary Association has petitioned this Council to give them the use of a certain portion of land; and whereas,

the city is convinced that the object will be conducive to the public interest.

ART. 1292. That the city of New Orleans does hereby grant to the New Orleans Auxiliary Sanitary Association the free use and tenure of the following described property, with right to construct the requisite supply of suction pipes therefrom to the proper distance into the Mississippi river, namely: The portion of ground bounded by Celeste and Nuns street, and the roadways fronting Peters or Water street and the roadway fronting the Mississippi river, measuring — feet on Celeste street, — feet on Nuns street, — feet on line of Peters or Water street and — feet on line of the Mississippi river roadway, all described and located in the accompanying plan made and signed this day by H. C. Brown, Esq., City Surveyor.

Location.
Ord. No. 6442,
A. S.
April 20, 1880.
Amended by
Ord. No. 5100,
C. S.

ART. 1293. The right to occupy, control and hold possession of said property is hereby granted to said association for said purposes during the period of twenty-five years from the passage of this ordinance, at the end of which time, or at any other period that the land should revert to the city of New Orleans, the city shall pay to the New Orleans Auxiliary Sanitary Association the value of the improvements, machinery, buildings, etc., that may then be on said property, the value to be ascertained and fixed by the appraisement of two arbitrators, one to be appointed by the city authorities and the other by said association. And in case of failure of these two appraisers to agree they shall appoint an umpire, whose decision shall be final in fixing and determining the amount to be paid by said city to said association.

Grant for
term of twenty-
five years. Ib.

ART. 1294. Whereas, The New Orleans Auxiliary Sanitary Association has petitioned this Council to give them the use of a certain portion of land for the location of a flushing pump;

ART. 1295. Whereas, The city is convinced that the object will be conducive to the public interests;

ART. 1296. That the city of New Orleans does hereby grant to the New Orleans Auxiliary Sanitary Association

Location.
Ord. No. 6981,
April 12, 1881.
Amended by
Ord. No. 5400,
C. S.

tion the free use and tenure of the following described property, with the right to construct the requisite supply or suction pipes therefrom to the proper distance into the Mississippi river, namely: The portion of ground bounded by Toulouse, Jefferson and Clay streets, and a space of thirty feet in width between the wood-work of the wharf and the line of said portion of ground fronting the Mississippi river, meaning as follows: one hundred and twenty feet on the front roadway, and one hundred and twenty feet front on Clay street, fifty-nine feet front on Toulouse street and fifty-nine feet on Jefferson street; having the corners of said street rounded, all being located and delineated in the accompanying plan.

Term.

ART. 1297. The right to occupy, control and hold possession of said property is hereby granted to said association for said purpose during the period of twenty-five years from the passage of this ordinance; at the end of which time or at any period that the land should revert to the city of New Orleans, the city shall pay to the New Orleans Auxiliary Sanitary Association the value of the improvements, machinery, buildings, etc., that may then be on said property, the value to be ascertained and fixed by the appraisement of two arbitrators, one to be appointed by the city authorities and the other by the said association.

Umpire.

ART. 1298. And in case of failure of these two appraisers to agree they shall appoint an umpire, whose decision shall be final in fixing and determining the amount to be paid by said city to said association.

NEW ORLEANS GAS LIGHT COMPANY—See GAS COMPANIES.

NEW ORLEANS TELEPHONE COMPANY—See TELEPHONE COMPANIES.

NEW ORLEANS WATERWORKS COMPANY—See WATERWORKS.

NOTARY (CITY)—See SECTION 53, CITY CHARTER.
Act. 139 of 1888 relative to Appointment of Notaries.

NUMBERING HOUSES—See HOUSE NUMBERING.

OBSTRUCTIONS—See DRAINAGE AND STREETS.

OFFENCES, MISDEMEANORS AND NUISANCES.

ANIMALS.

ART. 1299. It shall not be lawful for any person or persons to ride on horseback, or to drive any horse or vehicle, or to turn out any cattle, or in any manner to exercise the same in the centre of the following named streets: Canal, Basin, Rampart, Esplanade or Claiborne streets, St. Bernard avenue, or in Coliseum place, or in any public square.

Exercising
horses and cat-
tle in certain
streets.
Jan., 1867.
N. S. 427.

ART. 1300. It shall be unlawful to wash horses or other animals on the sidewalks of the city, or in any other place that will incommode the public.

Washing
horses on pave-
ments.
Ib.

ART. 1301. Any person committing any of the offences, or violating any of the provisions hereinbefore named, shall be fined not less than five nor more than twenty-five dollars; and if the fine be not paid he shall be imprisoned for a term not exceeding ten days.

Penalty.
Ib.

ART. 1302. That it shall not be lawful for any one keeping horses for hire, or for their own private use, to hitch any horse in the streets within the immediate vicinity of any private dwelling or public house where by pawing or otherwise the occupants thereof may be incommoded.

Hitching of
horses.
July, 1881.
A. S. 7228.

Upon the complaint, in writing, to the Mayor of any such householder that the provisions of this resolution are disregarded, to their annoyance and injury, he shall cause a notice to be served upon the party or parties against whom such complaint is made to desist from the practice complained of. In the event of failure so

Notice.
Ib.

Penalty. 1b. to do any such person shall be subject to a fine of ten dollars for each and every day he shall fail to comply with the said notice, recoverable before the Recorder of the district in which said offence has been committed.

Driving loose horses through streets. March, 1881. A. S. 6897. In default of payment of the fine herein provided for the party so offending shall be imprisoned for a period not exceeding ten days.

ART. 1303. (1) That hereafter it shall not be lawful for any person or persons to drive in a loose condition through the following streets of the city of New Orleans: Canal, Common, Royal, Bourbon, Chartres, Custom-house, Carondelet, St. Charles, Camp and Magazine streets, except when in crossing the same, any horse or horses, mule or mules, or other beasts of burden.

Penalty. Ord. No. 4972. C. S. Dec. 16, 1890. ART. 1304. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Driving cattle through the streets. Ord. No. 6080, C. S. Feb. 24, 1892. ART. 1305. That it is hereby made an offence to drive, or to attempt to drive, through the streets of the city, cattle which arrive in New Orleans either by boat or by railroad.

Separate offences. 1b. ART. 1306. That each violation of this ordinance shall be taken to be a separate offence, and that any person violating the same, on due conviction before the Recorder having jurisdiction, for each separate offence, shall be subject to fine or imprisonment in the parish jail, or both, or to imprisonment in the parish jail in default of the payment of the fine; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Repealing clause. ART. 1307. That all ordinances and parts of ordinances 1b. in conflict or inconsistent with this ordinance be and the same are hereby repealed.

ART. 1308. That hereafter it shall not be lawful for any person or persons to drive through any of the streets of the city of New Orleans, horses, mules or other beasts of burden, except under the following conditions:

Driving
through streets.
Ord. No. 7033,
C. S.
Dec. 20, 1892.

ART. 1309. (2) That all horses or mules, when being driven from points of arrival to stable, or from stable to points of shipment, shall be in charge of competent keepers, who shall be above the age of sixteen years, and who shall be uniformed, or bear some device upon their person to designate what firm they represent, and provided that all such animals shall not be driven in droves above twenty-five in number; and provided further, they shall not be driven through the following streets: Canal, Common, Royal, Bourbon, Chartres, Customhouse, Carondelet, St. Charles avenue, Camp and Magazine streets, except when crossing the same.

In charge of
competent
keeper.
Ib.

Prohibited
streets.

ART. 1310. (3) That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or suffer imprisonment for thirty days, in default of payment of fine, or both, to be imposed by the Recorder of the district in which the offence was committed; provided, that the fine shall not exceed twenty-five dollars nor the imprisonment for more than thirty days for each offence.

Penalty.
Ib.

ART. 1311. (4) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Repealing
clause.
Ib.

ART. 1312. That from and after the passage of this ordinance it shall not be lawful for any person or persons to allow any horse, mule, cow, hog, pig, sheep, goat or any other animal to rove upon any of the streets or banquettes within the limits prescribed in this ordinance.

Horse, mules,
cow, etc., not
to rove on ban-
quettes or
streets.
Ord. No. 6785,
A. S.

ART. 1313. That if any person shall overdrive, overload, or unnecessarily or cruelly beat, mutilate, kill, torture or abuse, or cause or procure to be overdriven, overloaded, cruelly beaten, mutilated, killed, tortured or abused any animal in or on any street, park, levee or other public place in the limits of the city of New Or-

Cruelty to
animals.
Ord. No. 3334,
C. S.
Nov. 13, 1888.

Penalty.

leans, such person shall be deemed guilty of an offence against the police and good order of the city, and shall, upon conviction thereof before the Recorder within whose jurisdiction the offence is committed, be punished by said Recorder by a fine not exceeding twenty-five dollars for each offence, and in default of payment of fine be imprisoned for not exceeding thirty days.

Duty of Police.

ART. 1314. (2) That in further compliance with said Act Ib. 19 of 1888, it shall be the duty of the police of the city to enforce this ordinance; and also under said act of the Legislature to aid the Louisiana State Society for the Prevention of Cruelty to Animals, incorporated in this city by notarial act of N. B. Trist, in the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals.

VEHICLES.

Unlawful to stand on revetment at West End.

Ord. No. 5472, C. S.

July 28, 1891.

ART. 1315. It shall be unlawful for any cab, hack, carriage or other vehicle, public or private, to stop or stand other than for the immediate purpose of letting out or taking in a passenger or passengers on that portion of the Revetment Levee at West End, commencing from the bridge over the New Canal to the extreme end of the platform on the west side of West End Hotel.

Penalty.

ART. 1316. That whosoever shall violate this resolution shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Gongs attached to vehicles.

Ord. No. 3934, C. S.

Aug 27, 1889.

ART. 1317. It shall be and is hereby made unlawful for any person or persons to have any gong or gongs attached to any vehicle or vehicles and used on the public streets; provided, however, that this shall not apply

to the ambulance, fire insurance and police patrol wagons and vehicles used by the fire department of this city.

ART. 1318. That any person or persons violating any of the provisions of this resolution shall be fined not less than \$5 nor more than \$25, and in default of payment to imprisonment for not less than five days nor more than thirty days, at the discretion of the Recorder of the district in which the offence is committed.

Penalty. Ib.

ART. 1319. That it shall be unlawful to use a wagon or other vehicle to haul for hire upon which are license plates obtained for a vehicle for the private use of the owner thereof.

Illegal use of
license plates.
Ord. No. 4091,
C. S.
Nov. 12, 1889.

ART. 1320. That all wagons or other vehicles found upon the streets or other public places of the city, in violation of section 1 hereof, shall be impounded in the pound nearest to the point where they are so taken, and the Pound Contractor is authorized to charge and collect a fee of \$3 for each vehicle so impounded.

To be im-
pounded. Ib.

ART. 1321. That any person violating this ordinance shall be fined \$9, and in default of payment shall be imprisoned ten days.

Penalty. Ib.

ART. 1322. That it shall hereafter be unlawful for any funeral or procession of pedestrians or vehicles, by following or crossing a street railroad track, to impede, obstruct or retard the usual running of the street cars.

Obstructing
street cars.
Ord. No. 3232,
C. S.
Oct. 2, 1888.

ART. 1323. That any person violating this ordinance shall be punished by fine not exceeding twenty-five dollars or by imprisonment not exceeding thirty days.

Penalty. Ib.

That it is hereby made the duty of police officers to arrest any and all persons violating this ordinance.

Duty of po-
lice officers. Ib.

ART. 1324. (15) No proprietor, owner or driver of a dray, cab, hack or vehicle whatever shall use violence or insulting language, or shall oppose an unlawful resistance to any of his passengers or employers, or to any citizen.

Cab driver. Ib.

ART. 1325. (16) Any person committing any offences or violating any part of the provisions hereinbefore named shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment shall be imprisoned not exceeding thirty days.

Penalty. Ib.

Punishment
of offences of
minors.

ART. 1326. (4) In every case where minors or apprentices violate an ordinance, the parents or guardians of the minors or masters of the apprentices shall be responsible for the fine; and when such persons refuse to pay the fine, the minors or apprentices shall be sent to the House of Refuge for a period not exceeding five days.

CROSSINGS, ETC.

Driving over
intersecting
tracks must
come to a full
stop.

Ord. No. 4164,
C. S.
Dec. 17, 1889.

ART. 1327. That from and after the promulgation of this ordinance it shall be unlawful for the driver of any street car to drive over the tracks of any intersecting steam railroad without having previously brought his car to a full stop and satisfied himself there can be no danger in making the crossing.

Penalty.

ART. 1328. That any driver or other person in charge of a street car, violating the provisions of this ordinance shall, upon conviction before the Recorder within whose jurisdiction the offence has been committed, be fined not exceeding \$25, and in default of payment of fine be imprisoned not more than thirty days.

Cars to come
to a full stop
crossing other
tracks.

Ord. No. 7480,
C. S.
April 25, 1893.

ART. 1329. That on and after the passage of this ordinance it shall be unlawful for any car propelled by horse or mule power to cross any track or tracks of a road propelled by electricity, or tracks of a road propelled by steam power, or for any car propelled by electricity, to cross any track before coming to a full stop.

Penalty.

Any infraction of this ordinance shall, upon conviction, be subject to a fine of not more than \$25 or less than thirty days' imprisonment; one-half of the fine so collected shall be paid to the informer,

Explosives on
car tracks.

Ord. No. 11,526,
C. S.
Oct. 29, 1895.

ART. 1330. (1) That from and after the passage of this ordinance it shall be unlawful for any person or persons to place on any railroad track or tracks, passenger or freight railways, within the city limits, any torpedoes, cartridges or explosive materials, with malicious intent to injure or frighten passengers or other citizens.

ART. 1331. (2) That it shall be deemed a misdemeanor to violate any of the provisions of section 1 of this ordinance, punishable before any Recorder or justice of the peace or other proper law officer having jurisdiction

by a fine of \$5 for each and every offence, or imprisonment for ten days, or both, at the discretion of the officer having jurisdiction. Penalty. Ib.

FISH, ETC.

ART. 1332. That it shall be unlawful for any person or persons to catch, kill or pursue any green trout or black bass, or to have the same in their possession after being caught or killed in this parish during the spawning season, say from the first day of March to the fifteenth day of May of each year, inclusive. Unlawful to fish during spawning season. Ord. No. 5868, C. S. Dec. 15, 1891. Amended by Ord. No. 7130, C. S.

ART. 1333. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the parish prison for a term not to exceed thirty days in default of payment of the fine to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days. Penalty. Ib.

ART. 1334. That it shall be unlawful for any person or persons to haul any seine, net, etc., in any lagoon or bayou within the limits of the parish of Orleans. That any person or persons violating the provisions of this ordinance shall, upon conviction, pay a fine of not more than twenty-five dollars nor more than thirty days' imprisonment by the Recorder in whose jurisdiction said offence is committed. One half of the fine imposed to go to the informer. That this ordinance shall take effect from and after its passage. Unlawful to haul any seine, net, etc., in any lagoon or bayou in parish of Orleans. Ord. No. 6896, C. S. Nov. 2, 1892.

ART. 1335. That all ordinances or parts of ordinances conflicting with the provisions of this ordinance be and the same are hereby repealed. Repealing clause. Ib.

STREET SIGNS.

ART. 1336. That any person or persons interfering with, molesting, obstructing the view or scratching, defacing, or in any manner whatsoever injuring the street signs recently put up under city contract, shall be guilty of a violation of police ordinance and punishable by im- Defacing or injuring street signs. Ord. No. 9770, C. S. Oct. 2, 1896.

Penalty. imprisonment in the parish prison or city workhouse for a period of not less than five days nor more than thirty days, or a fine of not less than fifteen dollars nor more than twenty-five.

Unlawful to
move stake or
other marks
placed by City
Surveyor.

Ord. No. 5115,
C. S.
Feb. 17, 1891

ART. 1337. That it is hereby made unlawful, and it is declared a misdemeanor, to move, or in any way change the position of any stone, stake, nail or other mark, when placed by the City Engineer or the Deputy City Surveyors or State, or United States Engineers, in order to establish any line or grade within the city of New Orleans.

Penalty. Ib. ART. 1338. Any person or persons guilty of the offence above described shall be liable to a fine not exceeding twenty-five dollars, recoverable before the Recorder of the district in which said offence has been committed, and in default of payment of said fine to imprisonment not exceeding thirty days, or such persons may be sentenced to fine and imprisonment both, in the discretion of the Recorder.

SAND.

Unlawful to
remove sand.

Ord. No. 5528,
C. S.
Aug. 18, 1891

ART. 1339. That it shall be unlawful for any person or persons to remove or cause to be removed any sand from the battures in front of the city, without having previously complied with the requirements or existing ordinances.

Penalty. Ib. ART. 1340. That any person or persons violating the provisions of this ordinance shall, on conviction before any of the Recorders having jurisdiction, be fined in a sum not exceeding twenty-five dollars, or suffer imprisonment for a period not exceeding thirty days, or both, at the discretion of the Recorder.

FIREARMS.

Concealed
weapons.

Ord. No. 5607,
C. S.
Sept. 15, 1891

ART. 1341. That whoever shall carry a weapon or weapons concealed on or about his person, such as pistols, bowieknives, dirks, or any other dangerous weapon, shall be subject to a fine not exceeding twenty-five dollars, and in the event the fine imposed shall not be paid the Recorder may sentence the offender to a term not exceeding thirty days in the parish prison.

Penalty.

ART. 1342. It shall be unlawful for any one to sell, or lease, or give through himself or any other person, any pistol, dirk, bowieknife, toy pistol for which cartridges are used, or any other dangerous weapon which may be carried concealed, to any person under the age of eighteen years.

Unlawful to
sell weapons to
minors.
Ord. No. 7117,
C. S.
Jan. 17, 1893.

ART. 1343. That any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be liable to a fine not exceeding twenty-five dollars or imprisonment for a period not exceeding thirty days, or both, at the discretion of the Recorder having jurisdiction.

Penalty. Ib.

ART. 1344. (1) That from and after the passage of this ordinance it shall be unlawful for any person to fire or discharge any gun, pistol, fowling-piece or firearm within the limits of the city, commencing at the Mississippi river at Upperline street in the Seventh District, along Upperline street to Mobile street, down Mobile street to Claiborne street, down Claiborne street to the northeast side of New Canal, out New Canal to Broad street, down Broad street to Common street, out Common street to Hagan avenue, down Hagan avenue to Canal street, out Canal street to Metairie road, down Metairie road to the east side of Bayou St. John, to Marigny Canal, along Marigny Canal to Gentilly road, down Gentilly road to London Avenue Canal, along London Avenue Canal to Marigny Canal, along Marigny Canal to the Pontchartrain Railroad, to La Force street, thence along the protection levee and intersection of Lafayette avenue and Claiborne street, down Claiborne street to Poland street, to the lower limits of the city.

Discharging
of firearms pro-
hibited.
Ord. No. 985,
C. S.
Nov. 11, 1884.
Amended by
Ord. No. 6601,
C. S.
Aug. 2, 1892.

Limits.

ART. 1345. And that portion of the Fifth District embraced in the following streets: Commencing at Potelemy street, Lee's lane to river front, along the river front to head of Patterson street, from head of Patterson street along the river front south to boundary line of parish of Jefferson; east to Franklin street, from Franklin street north to Lapeyrouse street, east to Vallette street, from Vallette street north to Newton street, from Newton street east to Washington avenue, from Washington avenue north to river front.

Fifth District
limits. Ib.

- Penalty. **ART. 1346. (2)** All persons violating the provisions of this ordinance shall be fined not less than five nor more than twenty-five dollars, and in default of payment of said fine shall suffer imprisonment for not more than thirty days, at the discretion of the Recorder in whose district the offence is committed.
- Repealing clause. **ART. 1347. (3)** All ordinances or part of ordinances **ib.** contrary to or in conflict with this ordinance be and the same are hereby repealed.

GIMLET KNIVES.

- Sale of gim-
let knives.
Ord. No. 5067,
A. S.
May, 1879.
Insert 7117,
C. S.
- ART. 1348.** That on and after the first day of June, 1879, it shall not be lawful for any person or firm to sell, offer or expose for sale within the limits of the city of New Orleans any gimlet knife, dirk knife, stiletto, spring knife, brass knuckle, iron buckle or slung shot.
- Penalty. **ART. 1349.** That any violation of this ordinance shall be punished by imprisonment in the parish prison for the term of thirty days, or a fine of twenty-five dollars, or both, at the discretion of the Recorder.

NIGGER SHOOTERS.

- Nigger shoot-
ers.
Ord. No. 6865,
A. S.
Jan. 1881.
- ART. 1350.** That it shall be unlawful for any person or persons to use or have in their possession an instrument for propelling missiles known as "nigger shooters," and that any person or persons violating the provisions of this ordinance shall be subject to a fine of not less than five nor more than twenty-five dollars, and in default of payment of the fine above provided for the party offending shall be imprisoned for a term of from five to thirty days, at the discretion of the Recorder within whose district the offence shall have been committed.
- Penalty.

NOISES, NUISANCES, ETC.

- Unlawful
blowing of
police whistles.
Ord. No. 8018,
A. S.
Aug. 22, 1882.
- ART. 1351. (1)** That the blowing of police whistles by any person or persons otherwise than for police purposes be and the same is hereby declared to be a misdemeanor, and is hereby prohibited.

ART. 1352. (2) That any person or persons so offending shall be fined ten dollars by the Recorder of the district in which the offence was committed, and if the fine be not paid to imprisonment for a period of not more than ten days. Penalty. Ib.

ART. 1353. (24) It is unlawful to form heaps of oysters on the sidewalk, or on the streets, or in other houses than those licensed to sell the same. Oysters.
Ord. No. 3121,
O. S.

ART. 1354. Every person who shall, without the consent of the Street Commissioner or Surveyor, carry away, or cause to be carried away, any earth from any street, square, public square, public walk or commons, shall pay the fine hereinafter stipulated. Carry in
away earth. Ib.

ART. 1355. It shall not be lawful for any person or persons to beat a drum or blow a horn, or sound a trumpet in any street or public place within the limits of the city; provided, that such provision shall not apply to any militia or other procession, or to those cases in which auctioneers are permitted to beat drums. Drums, horns,
etc. Ib.

ART. 1356. It is unlawful to use indecent or vulgar language in any street, cemetery, public square or levee, or other public place, or to commit any nuisance offensive to public decency, in any public place. Indecent lan-
guage, nuisan-
ces, etc.
Ord. No. 3121,
O. S.
Amended by
Ord. No. 3639,
C. S.

ART. 1357. Or for any person living in, or occupying any premises, or part of any premises, in the city of New Orleans, to use, or wilfully permit, or knowingly allow, any other person of his or her family, or under his or her control, or direction, to use or utter, on such premises, any indecent, obscene, vulgar or insulting language or any language tending to provoke assault, or to insult any person, or to wilfully make or permit, or to allow to be wilfully made any unusual, uncalled for and unwarranted sound, violent or continuous noise, shouting, screaming, or other noise or noises of any kind, to wilfully disturb, or wilfully permit to be disturbed, the peace and quiet of the vicinity, or to wilfully disturb or permit the disturbance of any other person or persons, the occupants or residents in any premises in the vicinity and neighborhood, in the peaceable enjoyment of their homes or other premises, by reason of any such unlawful wilful acts, conduct or disturbance. Disturbances,
etc. Ib.

Charivaris, etc. ART. 1358. (9) It is unlawful to abuse, provoke or disturb any person to make *charivari*, or to appear masked or disguised in the streets or any public place.

Throwing of flour, etc. ART. 1359. (10) No person on Mardi Gras or at any other time shall throw flour or any other substance on any person passing along the street or any public place.

Disturbances, intoxication, etc. ART. 1360. (11) No person shall make a violent noise or create disturbance or offence against public peace by intoxication or otherwise.

Penalty. Ord. No. 4925, C. S. Dec. 2, 1890. ART. 1361. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Committing nuisances. Ord. No. 6022, June, 1879. ART. 1362. (16) No person shall commit a nuisance in any public street, square or other place whereby the purity of the atmosphere is liable to suffer.

Penalty. Ib. ART. 1362. (16) No person shall commit a nuisance in any public street, square or other place whereby the purity of the atmosphere is liable to suffer.

PROTECTION OF POLICE.

Cursing the police. Ord. No. 4782, C. S. Oct. 7, 1890. ART. 1363. That it shall be unlawful and shall be considered a breach of the peace for any person wantonly to curse or revile, or to use obscene or opprobrious language toward or with reference to any member of the New Orleans City Police while in the actual performance of his duty.

Rescuing or attempting to rescue prisoner in custody of police. Ib. ART. 1364. (2) That it shall be unlawful and shall be considered a breach of the peace for any person to rescue or attempt to rescue any prisoner in the custody of any officer or officers of the New Orleans City Police; and that a person shall be considered a prisoner and as within the custody of any officer within the terms of this ordinance from the moment that the officer has laid his hands on him with the intention of arresting him.

ART. 1365. (3) That it shall be unlawful and <sup>Inciting re-
sistance to ar-
rest.</sup> it shall be considered a breach of the peace for ^{Ib.} any person, by action or by words, to incite any prisoner in the hands of any officer of the New Orleans City Police to resist arrest or confinement or to encourage or aid him in such resistance.

ART. 1366. (4) That it shall be unlawful and shall be <sup>Obstructing
or interfering
with officer.</sup> considered a breach of the peace for any person wilfully to obstruct, hinder or unlawfully to interfere with any member of the New Orleans City Police while in the performance of his duty. ^{Ib.}

ART. 1367. (5) That it shall be unlawful for any per- <sup>Unlawful to
wear police
uniform.</sup> son not authorized by law to wear the uniform and insignia, or any portion thereof, of the New Orleans City Police, or to undertake to act, or to represent himself as a member of the New Orleans City Police, or to represent himself as a police officer, or to attempt to perform the duties of a police officer, or to make an arrest as a police officer. ^{Ib.}

ART. 1368. (6) That any person violating the provisions of this ordinance shall be subject to a fine not exceeding twenty-five dollars, or imprisonment in the parish prison for a period not exceeding thirty days, or both, at the discretion of the Recorder of the district in which the offence is committed, and in the event the fine imposed shall not be paid the Recorder may sentence the offender to an additional term not exceeding thirty days in the parish prison. ^{Penalty. Ib.}

ART. 1369. (7) That Ordinances Nos. 6609, A. S., and <sup>Ord. No. 6609,
A. S. and 3488,
C. S., repealed.</sup> 3988, C. S., on the same subject matter as this ordinance, be repealed. ^{Ib.}

ART. 1370. That in all cases wherein any person or <sup>Damaging or
destroying uni-
forms of of-
ficers.</sup> persons resist arrest and damage or destroy the uniform of the police officer or officers making said arrest, it shall be the duty of the Recorder in whose district the offence is committed to impose a fine of an amount sufficient to pay for the damage done or to sentence the person or persons thus convicted in default of payment of said fine to suffer imprisonment for thirty days, and that all fines so imposed, when paid, shall be turned <sup>Ord. No. 4834,
C. S.
Nov. 18, 1890.</sup> ^{Penalty.}

over to the Board of Police Commissioners by said Recorder against the receipt of the secretary-treasurer of said board.

ORGAN GRINDERS.

Hours.
Ord. No. 6677,
A. S.
Oct., 1890.

ART. 1371 (1) That from and after this date organ grinders shall not pursue their vocation on the public streets or sidewalks before 9 o'clock A. M., or after 10 o'clock P. M.

Penalty.
Ord. No. 4956,
C. S.
Dec. 16, 1890.

ART. 1372. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

INDECENT EXPOSURE.

Exposure of
person.
Ord. No. 5504,
C. S.
Aug. 4, 1891:

ART. 1373. That it shall be unlawful for any person or persons, upon any banquette or street, within any cemetery, public square, park, open lot or other place of public resort within the city limits, to make any indecent exposure of person, or commit, by words or actions, any offence against the rules of public decency.

Repealed
clause.

ART. 1374. That all ordinances or parts of ordinances bearing upon the subject matter of this ordinance be and the same are hereby repealed.

Penalty.
Ib.

ART. 1375. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

ART. 1376. (1) That any person who shall strip naked for bathing, or show himself naked or in any indecent apparel, or shall bathe during daylight in the river Mississippi, or in either of the basins, canals or lake, or anywhere public within the limits of the city, shall be arrested and fined or imprisoned as hereinafter described.

Exposure of persons.
Ord. No. 4055,
A. S.

ART. 1377. (2) That any person violating any provision of this ordinance shall be fined not less than ten dollars nor more than twenty-five dollars, and if the fine be not paid he shall be imprisoned for a term not exceeding ten days.

Penalty. 1b.

OBSCENE LITERATURE.

ART. 1378. That from and after the passage of this ordinance it shall not be lawful for any person or persons to expose, circulate, offer for sale, sell or distribute or give away, or to paint, draw, print, write, make or cause to be printed, drawn, painted, written or made, for the purpose of exposing, circulating or offering for sale, selling, distributing or giving away within the limits of the city of New Orleans, any obscene, scandalous or libelous book, print, newspaper, pamphlet, circular, or periodical caricature, picture, drawing, statue or other object whatever, of any immoral or scandalous nature, or calculated to excite scandal, immorality or disturbance of the public peace or tranquility.

Exposure, circulation, etc., of obscene papers, prints etc.
Ord. No. 3971,
C. S.
Sept. 3, 1889.

ART. 1379. That any person or persons violating the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$25, collectible before the Recorder of the district in which the offence was committed, and in default of payment thereof to imprisonment in the parish prison for a term not exceeding thirty days.

Penalty. 1b.

ART. 1380. That all previous ordinances, or parts of ordinances, on the same subject matter be and the same are hereby repealed.

Repealed clause.

PUBLIC PROPERTY.

Defacing city property
tombs, monuments, etc.
Ord. No. 3121,
O. S.
Dec. 1856.

ART. 1381. (4) No person shall break, deface or carry away any board or plate indicating the name of a street or the number of a house, or deface, cut, or in any way wantonly injure any monument, public building or any other object destined for public utility or decoration, or cut, damage or destroy any post, sidewalk, or other work belonging to the city, or cut or destroy or damage the tombs, or fences, or trees or shrubbery of any cemetery.

SLOPS.

House, hotel
or boarding
house.
Ord. No. 923,
C. S.
Sept. 23, 1884.

ART. 1382. (1) That it shall be unlawful for the occupants of any house, hotel or boarding house in the city to empty or cause to be emptied from their galleries, or from any part of the building, into the street, water or other refuse matter, under a penalty of twenty-five dollars, and in default of payment be imprisoned not exceeding thirty days.

Unlawful to
throw in the
street.
Ord. No. 9684,
C. S.
April 16, 1889.

ART. 1383. (1) That it shall be unlawful for any person to throw into any street or canal, within the limits of the city, any slops, or any animal, vegetable, fruit, scrap, refuse, trash, paper, wood, tin, iron, garbage, manure, dirt, offal, ashes or debris.

Penalty. Ib.

ART. 1384. (2) That any person violating the provision of this ordinance shall be punished by a fine not less than ten nor more than twenty-five dollars, one-half of said fine, when collected, to go to the informer, or in default of the payment of said fine by imprisonment not exceeding thirty days.

BURNING BRUSH.

Burning of
brush.
Ord. No. 3310,
A. S.

ART. 1385. That the burning of brush, grass or other materials within the corporate limits of the city of New Orleans, between the hours of 5 P. M. and 5 A. M., be and the same is hereby prohibited.

Penalty

ART. 1386. Each person violating this ordinance shall, for each offence, be subject to arrest and to a fine of not less than ten dollars nor more than fifty dollars, collectible by the Police Justice of the district in which the offence was committed.

LOTTERIES.

ART. 1387. (1) That it shall be unlawful for any person or persons to sell, barter, exchange or otherwise dispose of any lottery ticket or token, policy, combination, device or certificate, or fractional part thereof, in any lottery drawn or to be drawn in or out of the city of New Orleans, unless the same be duly authorized by the laws of the State of Louisiana.

Unlawful
sale of lottery
tickets.
Ord. No. 92,
C. S.
June 30, 1883.

ART. 1388. (2) That any person or persons violating the provisions of this ordinance shall, upon conviction before the Recorder within whose jurisdiction the offence was committed, be condemned by said Recorder to pay a fine of twenty-five dollars for each offence, and in default of payment to imprisonment for not less than twenty nor more than thirty days.

Amended by
Ord. No. 5114,
C. S.

WHISTLES.

ART. 1389. The blowing of steam whistles by locomotives and dummies on the following named streets and avenues is declared a nuisance and is hereby prohibited during the hours between 7 o'clock A. M. and 7 o'clock P. M., viz.: On the following streets: St. Charles avenue, between Lee Circle and the upper limits of Carrollton; on Canal street, between Clay statue and the New Canal, and from thence north to the northern limits of Greenwood Cemetery, and on Bienville street, between Basin street and Hagan avenue, and on Basin street from Common to Conti, and on Elysian Fields street from Decatur to Claiborne streets, and on St. Claude street from Elysian Fields to Louisa streets.

Blowing
whistles.
Ord. No. 5883,
C. S.
Dec. 8, 1891.

Limits pro-
hibited in.

ART. 1390. The penalty for each violation of this ordinance shall be a fine of twenty-five dollars, to be paid by the company or individuals owning the whistling locomotive or dummy, and recoverable before any of the city courts of the parish of Orleans; and further, the driver, engineer or person in charge of said locomotive or dummy shall be liable for each offence to a fine of

Penalty.
Ord. No. 1342,
C. S.
July 21, 1885.

twenty-five dollars, or to imprisonment for thirty days by the Recorder of the district wherein the offence was committed.

Repealing clause. ART. 1391. All ordinances or parts of ordinances in conflict herewith are hereby amended and appealed.

Blowing of steam whistles unlawful between certain hours. ART. 1392. That it shall be unlawful to blow steam whistles other than those on steamboats actually navigating the river, between the hours of nine (9) o'clock P. M. and half-past six (6:30) o'clock A. M.. Under penalty of a fine not exceeding ten dollars, and in default thereof, imprisonment for not more than ten days, and the Chief of Police be required to enforce this ordinance.

Ord. No. 3974,
C. S.
Sept. 3, 1889.
Amended by
Ord. No. 4344,
C. S.

Proviso. Provided, That nothing herein shall be construed as applying to locomotives attached to steam trains in motion, or to cases covered by the State or United States statutes.

TRESPASS.

Trespass on another's lands or grounds. ART. 1393. That whoever shall take possession of any tract of land, or any part thereof, where property lines are defined, or where public notice of same is posted, or where said lands are in charge of a keeper or any part or portion of any house or tenement, either for hunting, fishing or any other purpose, without the permission of the owner or owners of the lands or grounds of property invaded, shall be guilty of a trespass, and shall, upon conviction before the Recorder of the district in which the offence was committed, be fined not less than five dollars nor more than twenty-five dollars, or imprisonment for not less than ten nor more than thirty days.

Ord. No. 832S,
C. S.
Nov. 21, 1893.

Penalty.

MALICIOUS MISCHIEF.

Injuring, breaking property, public or private. ART. 1394. That any person or persons who shall maliciously or wilfully destroy, injure, deface, break or tamper with, with malicious intent to destroy, injure, deface or break, any property or properties, public or private, situated in any building, or attached thereto, or on the street, banquette, alleyway, or any public square

Ord. No. 4798,
C. S.
Oct. 23, 1890.

or place, or cemeteries, shall be subject to arrest and a fine of not more than twenty-five (\$25) dollars, or in default of payment of fine thirty days' imprisonment in the parish prison, to be imposed by the Recorder in whose district the offence was committed.

ART. 1395. (2) That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Repealing
clause. Ib.

VACANT HOUSES.

ART. 1396. That for the protection of the surrounding property and the prevention of what might thereby become a public danger it shall be compulsory upon the owners or agents of all vacant houses to keep the doors and other entrances of such vacant houses so closed as to prevent the ingress therein by tramps or individuals not regularly occupying the same.

Vacant houses.
Ord. No. 3459.
Jan. 9, 1889.

ART. 1397. (2) That it shall be the duty of the police to report daily all vacant houses with entrances left open to the Mayor through the Chief of Police.

Duty of Police.
Ib.

ART. 1398. (8) That upon due notification sent to the owners or agents of vacant property by the Mayor, ordering such owners or agents to comply with the provisions of this ordinance, and their failure to obey the same within the time stated in said notice, affidavits shall be made against the said owners or agents before the Recorder of the district in which the offence is committed, and the party or parties so offending shall be subjected to a fine of not more than twenty-five dollars, and in the event of its non-payment to imprisonment for a period not exceeding thirty days.

Failure to comply with notice.
Ib.

Penalty.

SMOKE CONSUMERS.

ART. 1399. That no person or persons shall use bituminous coal for the purpose of generating steam in boilers in any building unless the furnace in which said coal is burned is provided with some effectual device for consuming its own smoke.

Smoke consumers.
Ord. No. 9568,
C. S.
Aug. 28, 1894.

ART. 1400. That any violation of the provisions of this ordinance, and every person or firm, whether owner, occupant, tenant or contractor, who shall violate the

Penalty. Ib.

provisions of this ordinance, shall be liable to a penalty of not less than five dollars nor more than twenty-five dollars, recoverable before any court of competent jurisdiction, and also a further fine of twenty-five dollars for each and every month he, she or they shall refuse or neglect to comply with a written notice from the Commissioner of Police and Public Buildings, and in default of payment of said fine to be imprisoned not less than ten days and not more than thirty days for each offence

EXCAVATING STREETS, ETC.

Limit as to
tearing up
streets.
Ord. No. 621,
C. S.
Mar. 18, 1884.
Amended by
Ord. No. 6822,
C. S.
Oct. 11, 1892.

ART. 1401. (1) That it shall be unlawful for any company, corporation, contractor, person or persons to dig or break open, or keep obstructed, any streets for a continuous distance greater than three blocks or squares, at any time, excepting during the time of the building of street railways.

Penalty.

Ib.

ART. 1402. (2) That for any violation of this ordinance it shall be punishable by a fine of twenty-five dollars per day for every day said violation exists; that all other ordinances relative to the subject matter here, and especially Ordinance No. 7289, A. S., are expressly retained in force, except in so far as they may conflict herewith, and to that extent be and they are hereby abolished.

Digging
streets, etc.,
without per-
mission.
Ord. No. 4507,
C. S.
May 13, 1890.

ART. 1403. That any person or persons who shall dig holes in the streets, public roads or sidewalks and use the earth for private purposes, or cut them in any manner, except for planting trees or laying pipes, or constructing drains or culverts, without the permission of the City Council, shall be subject to a fine not exceeding \$25, to be imposed by the Recorder of the district in which the offence is committed, and in default of payment of the fine to imprisonment in the parish prison for a term not exceeding thirty days.

Penalty.

Every day a
separate of-
fence.

Ib.

ART. 1404. That for every day any one shall fail to restore the street, road or banquette to its former condition after written notice from the Commissioner of Public Works, shall constitute a separate offence under this ordinance.

ADVERTISEMENTS.

ART. 1405. (1) That it shall be unlawful for any person or persons to post or paint advertisements of any kind whatsoever on any of the streets or curbings, or the gutters, flaggings, gutter-stones, telegraph posts, wooden or iron railings, of any of the public buildings, or cause to have distributed on the public streets, banquettes, public markets or highways, dodgers, or hand advertisements, whether of a theatrical nature or otherwise; provided, however, that nothing in this ordinance shall interfere with or prevent the distribution of invitation cards to religious meetings.

Posting, painting, etc.,
Ord. No. 745,
C. S.
Amended by
Ord. No. 3743,
C. S.

ART. 1406. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty.
Ord. No. 5096,
C. S.
Feb. 3, 1891.

ART. 1407. That Ordinance No. 4923, C. S., on the same subject matter, be and the same is hereby repealed.

Permission of
the Mayor.
Ord. No. 4228,
C. S.
Jan. 8, 1890.

ART. 1408. That it shall be unlawful for any person to post or paint advertisements on any private wall or fence, or upon the curbstones, flagging, gutter-stones, gateways, telegraph posts, fire-plugs, wooden or iron railings of the public grounds or buildings, of the announcement for sale of any description of drugs, merchandise, or of the nature or treatment of disease, of any public amusement or lottery, or of the notice of any general public character, without the previous written permission of the Mayor for a time to be therein specified.

ART. 1409. That any person violating this ordinance shall be liable to a fine not exceeding twenty-five dollars, to be imposed by the Recorder of the district in which the offence shall be committed, and in default of pay-

Penalty. Ib.



ment of the fine to imprisonment for a period not exceeding thirty days.

ART. 1410. That Ordinance 91, N. S., relative to painting or posting advertisements, be repealed.

GAMBLING.

Gambling on streets. ART. 1411. (1) That from and after the passage of Ord. No. 73, C. S. this resolution a fine of ten dollars shall be imposed May 27, 1884.

Penalty.

upon any one found gambling on the public streets, either with dice, cards or other means, said fine to be paid upon conviction to the Recorder of the district in which the arrest is made, and in the event of failure to pay said fine imprisonment for a period of not more than thirty days in the parish prison, and the officer who permits said practice in his district shall, upon conviction, be expelled from the force. That all laws in conflict herewith are hereby repealed.

Penalty for gambling, banking games, or banking or gambling houses.

Ord. No. 4034, C. S.

Oct. 29, 1889.

ART. 1412. That from and after the passage of this ordinance a fine of not more than twenty-five dollars, and in default of payment of the fine, imprisonment in parish prison for a term not exceeding thirty days, shall be imposed by the Recorder of the district wherein the offence is committed, upon any one gambling in the city of New Orleans, either with dice, cards or other means; or upon any one keeping a banking game, or gambling house, or aiding or assisting in keeping the same.

SWINGING SIGNS.

Signs or advertising boards.

Ord. No. 743, C. S.

June 10, 1884.

ART. 1413. (1) That the date at which this ordinance shall have been adopted and approved it shall be unlawful for any person, firm, owner, occupant or agent of owner of any store or dwelling to erect suspend, place, keep, or caused to be suspended any sign-board, sign-plate or advertising board, of wood, metal or other material, so as the same may in any way hang, suspend or swing over any sidewalk or street within the city limits.

Swinging or hanging signs. 1b

ART. 1414. (2) That on and after the date of approval of this ordinance it shall be unlawful to keep or maintain any swinging or hanging sign, or other sign, sign-board or sign-plate, extending over any portion of any

sidewalk or street, and every owner, agent, lessee or occupant of any house, dwelling establishment or store, where or in front of which such sign exists, shall remove, or cause the same to be removed, immediately on the approval of this ordinance.

See Building Ordinance.

ART. 1415. That whoever shall violate the provisions of this ordinance shall be subjected to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4974,
C. S.
Dec. 16, 1890.

SMOKING.

ART. 1416. (1) That no person shall smoke any pipe, cigar or cigarette or tobacco ignited in any way by fire, upon the wharves-set apart for the loading or unloading of vessels of any description, whose business is to transport cotton, oil or other inflammable merchandise; *or any float, dray or vehicle of any kind used in conveying cotton, when so loaded with bales or crates of cotton to and from the wharves, presses or railroad depots;* the same prohibition shall extend to railroad depots and yards where cotton and other inflammable merchandise is stored temporarily or permanently.

Prohibited on
wharves.
Ord. No. 5776,
C. S.
Nov. 17, 1891.

ART. 1417. (2) That it shall be unlawful for any person to smoke or use matches in any way in the hold of vessels of any description, or on the decks of same during the time said vessels may be taking in or unloading cargoes of the above described inflammable articles, and until the loading of the same shall be completed for the time being, and hatches closed and decks cleared up.

Hold or
decks of ves-
sels.
Ord. No. 1063,
C. S.
Dec. 30, 1884.

ART. 1418. (3) That there may be prepared and stuck up in conspicuous places upon the wharves and other places used for the above described purposes, sign-

Sign boards.
Ib.

boards or notices to the effect that "No smoking allowed here under penalty of the law," and it shall be unlawful for any person to remove same under the penalty as set forth in section 4 of this ordinance; provided, the cost of such sign boards is not at the expense of the city.

Cotton presses
or railroad
platforms.

Ord. No. 6493,

C. S.

July 5, 1892.

ART. 1419. That from and after the promulgation of this ordinance, it shall be unlawful for any person to smoke in any cotton press or warehouse where cotton is stored, or in the offices of presses or warehouses within the city of New Orleans, under penalty of not less than twenty-five dollars, and in default of payment, to imprisonment for not less than three nor more than thirty days.

Penalty.
Ord. No. 4968,
C. S.

ART. 1420. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not exceeding thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days, one-half of said fine going to informer or prosecutor.

Jurisdiction.
Ord. No. 1063,
C. S.

ART. 1421. (5) That the Recorders of the municipal courts shall have jurisdiction to hear and entertain all violations of this ordinance occurring in their respective jurisdictions.

Repealing
clause.

ART. 1422. (6) That all ordinances, or parts of ordinances, in conflict with the provisions of this ordinance are hereby repealed, and that this ordinance shall take effect from and after its passage.

Cabins of
ferryboats.

Ord. No. 5565,

C. S.

Sept. 1, 1891.

ART. 1423. That it is hereby made unlawful for any person or persons to smoke any cigar, pipe or cigarette in the cabin of any ferryboat within the city limits whenever such cabin shall contain a sign prohibiting smoking in same.

Penalty.

Ib.

ART. 1424. That any one violating the provisions of this ordinance shall be subject to a fine not exceeding twenty-five dollars, or, in default of payment, to imprisonment

onment for not more than thirty days, at the discretion of the Recorder having jurisdiction.

ART. 1425. That from and after the promulgation of this ordinance, that smoking in any street car, of this city, except on the two rear seats of open cars, where smoking shall be permitted, is hereby prohibited, and shall hereafter be considered as a misdemeanor, and any one so offending, or any driver of a street car who permits such an offence, shall be fined not less than \$5 nor more than \$25, or imprisoned not less than five days or not more than thirty days, recoverable by the Recorder of the district in which the offence shall be committed.

Smoking on cars.
Ord. No. 4197,
C. S.
Jan. 2, 1890.
Amended by
Ord. No. 11,079,
C. S.
July 30, 1895.

Penalty.

ART. 1426. That one-half of any money thus recovered shall be the property of the party giving such information and testimony to the Recorder as will lead to the conviction of the offender.

Fine to be paid party informing.
Ib.

ART. 1427. That all laws or parts of laws in conflict with the above be and the same are hereby repealed.

Repealing clause.
Ib.

PEDDLERS.

ART. 1428. (1) That it shall be unlawful for any peddler, huckster or vendor of any kind of merchandise to enter without permission the premises of any citizen or to maliciously or wantonly ring door bells, knock or annoy by boisterous outcry the peace and quiet of a neighborhood, and any violation of the foregoing shall subject the offender to a fine of not less than ten nor more than twenty-five dollars, upon conviction by the Recorder of the district in which the offence is committed, and in default of payment of said fine to imprisonment of not less than fifteen nor more than thirty days.

Ring door bells, etc., prohibited.
Ord. No. 1437,
C. S.
Oct. 20, 1895.

Penalty.

ART. 1429. (2) That the Chief of Police shall direct the rigid enforcement of this resolution.

Duty of Police.
Ib.

ART. 1430. (3) That all ordinances or parts of ordinances in conflict herewith are hereby repealed, and that this resolution shall take effect from and after its promulgation.

Repealing clause.
Ib.

Repealing certain ordinance. Ord. No. 5156, C. S., Mar. 3, 1891. ART. 1431. That Ordinance No. 4024, C. S., as amended by Ordinances No. 4090, C. S., 4489, C. S., and 4891, C. S., be and is hereby repealed, same having been declared illegal by U. S. Court.

Ord. No. 4933, C. S., repealed by Ord. No. 5181, C. S.

DEFACING POLES.

Posters, etc. Ord. No. 535, C. S., Jan. 4, 1884. ART. 1432. (1) That it shall be unlawful hereafter to paste or place any bills, or posters, or dodgers, upon any telegraph, telephone or electric lamp post or pole, with or without the consent of the owners of same; and any person or persons convicted, before any Recorder having jurisdiction, of contravention of this ordinance, shall be fined not more than ten dollars, or imprisonment not more than ten days, at the discretion of the court. This ordinance to go into effect the first day of January, 1884.

Penalty.

RICE, CHAFF, MANURE.

Removal of through the streets. Ord. No. 1583, C. S., Dec. 22, 1885. ART. 1433. (1) That the removal of rice, chaff and manure must be done by carts securely fastened so as not to permit any portion or quantities thereof to fall on any of the public streets or thoroughfares; and the failure of the owner or owners of any carts or wagons to comply herewith is hereby declared an offence against the public health, punishable by a fine for each offence of not less than five dollars nor more than twenty-five dollars, recoverable before the committing magistrate of the district in which the offence is committed, or in default of paying said fine, imprisonment in the parish prison or workhouse for a period not less than five days nor more than thirty days.

How regulated.

Penalty.

DEFACING LAMPS AND POSTS.

Injuring, defacing, etc. Ord. No. 431, C. S., Sept. 4, 1883. ART. 1434. (2) That from and after the promulgation of this ordinance any person or persons found guilty of in any manner injuring, defacing or otherwise interfering with the lamps, posts, or any parts thereof of the city, shall be fined not less than twenty-five dollars,

or in default thereof to imprisonment for not less than thirty days, or both, at the option of the court. Penalty.

TOMBOLAS.

ART. 1435. (1) That tombolas, wheels of fortune or other device by which money or goods is demanded of any person or persons for the chance of drawing a prize at the public markets, or in the vicinity of the same, on the neutral grounds, in the public squares, or in any of the public thoroughfares of the city, be and the same are hereby prohibited. In vicinity of markets, etc.
Ord. No. 7908,
A. S.
June 27, 1882.

Prohibited.

ART. 1436. (2) That any person or persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject to a fine not exceeding twenty-five dollars for each and every such violation by the Recorder of the district in which the offence was committed, upon due proof thereof by any police officer or conservator of the peace, and in default of payment of the said fine such person or persons shall be imprisoned in the parish prison or workhouse of the city for a period of not more than thirty days nor less than ten days, at the discretion of the Recorder. Penal'y. Ib.

ART. 1437. (14) It shall be unlawful for any person or persons to hang up on trees, posts or fences, or on lines suspended from either, or to spread upon the ground, any articles of clothing or bedding for the purpose of drying, or to shake carpets on any public squares, streets, promenades, or other public grounds belonging to or under the control of the city. Shaking carpets, hanging clothes in public places, etc.

ART. 1438. (15) It shall not be lawful to sell, or offer for sale, any article of groceries, by retail, in the streets of the city, either in carts or otherwise. Sale of groceries in streets, etc.

RED LIGHTS.

ART. 1439. That any person or corporation causing to be made any excavation of the public thoroughfares, or who shall deposit in any street or on any sidewalk, heaps of brick, dirt, rubbish or materials whatsoever, proceeding from the construction or demolishing of any To exhibit where repairs are being made.
June, 1881.
A. S.

building, or from any other cause whatsoever, shall be bound to place a lamp, with red light, every night, in the centre of said excavation at every point of probable danger, and at the summit of said heap, which lamp must remain lighted during the night, so as to shed a sufficient light to make the encumbrance visible, in order to prevent accidents liable otherwise to happen. Any failures on the part of individuals or corporations to comply with the foregoing ordinance will subject them to a fine of twenty dollars or imprisonment for thirty days, in default of payment of said fine, for each night said lamps shall fail to be lighted as herein required, recoverable before any court of competent jurisdiction.

ELECTRIC TOWERS.

Climbing, defacing or injuring electric towers. Ords. Nos. 1113 and 1813, C. S. June 1, 1886. ART. 1440. (1) That from and after the passage of this ordinance it shall be unlawful for any person or persons to climb upon, deface or injure in any way any of the electric towers or poles in the city of New Orleans, to tamper with the cranes, or in any manner injure or aid and abet in damaging the same.

Penalty. ART. 1441. (2) That any person or persons violating Ib. this ordinance shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, or imprisonment not exceeding thirty days, at the discretion of the Recorder of the district in which the offence may be committed.

PARKS, SQUARES, ETC.

Property of parks. Ord. No. 7086, A. S. May 17, 1881. ART. 1442. (1) It shall be unlawful for any person or persons to wilfully cut, hack, deface or otherwise injure any statues, trees, vases, copings, walks, benches, flowers or any other property appertaining to the public squares or parks of this city.

Tramps, vagrants, etc. ART. 1443. (2) Vagrants, loungers and tramps are Ib. hereby forbidden to make any of said squares or parks a place of rendezvous; and all ball playing, velocipede racing and all kinds of rough sport calculated to injure

ladies and children are expressly forbidden in said squares or parks.

ART. 1444. (3) Political meetings, religious gatherings, formations of processions, military drill, or any assemblage calculated to trample the walks and flower beds, and deface the general aspect of the squares or parks are hereby expressly prohibited within their limits.

Public meetings. Ib.

ART. 1445. (4) There shall be no artillery firing of any description, for any purpose, in said squares or parks.

Artillery prohibited. Ib.

ART. 1446. (5) Vehicles of all descriptions are hereby prohibited from standing around said squares, and it is also made unlawful for bootblacks, candy sellers, peanut venders, patent medicine men, or peddlers of any other description, to ply their avocations in or around said squares or parks.

Vehicles, bootblacks, etc. Ib.

ART. 1447. (6) Whoever shall violate any of the sections of this ordinance shall, upon conviction thereof, be fined not more than ten dollars, or imprisoned not more than ten days, by the Recorder of the district who may have jurisdiction over the matter.

Penalty. Ib.

ART. 1448. That any person or persons found molesting the plants or other articles of the public squares or parks of the city of New Orleans, or in any wise committing any act of vandalism which would tend in any way to impair the beauty of the squares or parks, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of ten dollars or thirty days' imprisonment in default of the payment of said fine for each and every violation of this ordinance, one-half of the fine so collected to be turned over to the commissioners of the square or park in which the offence may have been committed, or in the event of the offence having been committed in any of the squares under the supervision of the Commissioner of Police and Public Buildings, to be turned over to him, to be used in the embellishment of the square or park under their charge; the other half of the fine so collected shall be paid to the informer for the arrest and conviction of any one violating this ordinance.

Molesting plants or other articles of public squares, Ord. No. 11,019, C. S. July 9, 1895.

Penalty.

Signs.

Ib. ART. 1449. That the Commissioner of Police and Public Buildings, as well as all Park and Square Commissioners, be and they are hereby authorized to have suitable signs printed embodying the above ordinance, and to place the same in such parts of the squares and parks as they may desire.

BANANA AND ORANGE PEELINGS.

Fruit peelings.
Ord. No. 1399,
C. S.
Sept. 1, 1885.

ART. 1450. (1) That it shall be unlawful for any person or persons to lay, place or throw upon any of the banquettes or footways within the limits of the city any banana, orange, fruit peelings or other substance whereby pedestrians, by stepping thereon, may be injured.

Penalty.

ART. 1451. Any party or parties so offending, upon due proof thereof before any Recorder of the district wherein such offence may have been committed, shall be subject to a fine of not less than five dollars or imprisonment not less than ten days, or both, at the discretion of the Recorder.

Special duty
of police.

Ib. ART. 1452. (2) That the police are specially directed and ordered to arrest and make affidavit against any and all persons discovered by them in the commission of the offence herein set forth.

GRASS.

Grass or
weeds.
Ord. No. 7277,
A. S.
Aug. 12, 1881.

ART. 1453. (1) That the proprietors of lots or houses fronting on the public way in the city or incorporated suburbs shall cause to be uprooted and removed all the grass or weeds growing on the sidewalks or gutters in front of their property.

Penalty.

Ib.
Amended by
Ord. No. 5564,
C. S.
Sept. 1, 1891.

ART. 1454. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Ords. Nos. 3973 and 5094 repealed by Ord. No. 5564, C. S.

See Amusements, Bicycles, Bakery, Buildings, Cemeteries, Churches, Combustibles, Drivers and Driving, Fire Department and Fire Limits.

See Health, Levees, Lewd Women, Markets, Poles, Slaughterhouse, Stables and Dairies, Streets, Vagrants, Vehicles, Wharves.

DECISIONS OF THE SUPREME COURT.

The Council have the power to remove, as nuisances, buildings which encroach on the line of the street, 1 M. 187; and to abate nuisances, such as sheds built upon the levee or public grounds, 4 M. 10; and remove private hospitals when they become nuisances, 5 N. S. 409; and to cut adrift crafts, or otherwise remove them as nuisances, when they remain at a particular portion of the port longer than the time stipulated by ordinance, 8 N. S. 549; and to prohibit the sale of oysters except at certain stands, 2 La. 219; and to demolish works and buildings in certain cases when they are nuisances, 3 La. 563; N. S. 293; 6 R. R. 349.

The power to abate nuisances is a portion of police authority necessarily vested in the corporations of all populous towns. A resolution of the Council directing a city officer to abate a particular nuisance, under a general ordinance, is legal, and can not be assimilated to an ordinance inflicting a fine or penalty upon a particular individual. 10 An. 227.

The city has the power of enacting ordinances to prevent nuisances and to provide for the preservation of public decency. 5 An. 747.

The fine which a municipal corporation is authorized to recover for the violation of its ordinances is a penalty in the nature of liquidated damages, and established as such in lieu of the damages which a court would be authorized to assess in place thereof. 4 An. 335.

An ordinance directing a particular soap factory to be removed within a certain time, and imposing a fine on the parties in case of nonremoval, is illegal, and can not be enforced. The imposition of fines must be by ordinance of a general character, operation and effect. 3 An. 688.

Any work or establishment which obstructs the free use, which inhabitants and strangers have a right to make of public places, such as roads and banks of the river, is a nuisance, and may be abated by the police authorities of the place. 4 M. 2; 3 La. 566; 6 R. R. 349.

An injunction will lie at the suit of any proprietor in a city to restrain the erection of buildings by an individual on public places, 11 M. 620. An injunction will issue to compel the removal of an obstruction in a common way, 7 R. R. 442; and the burning of a kiln may be prevented by injunction. 2 An. 773.

Individuals have the right to sue for the abatement of a nuisance. 10 An. 431; 2 An. 770; 11 M. 620.

A cemetery is not necessarily a nuisance; special circumstances are requisite to make it such. 10 An. 431; 11 An. 244.

Any citizen aggrieved by a public nuisance is entitled to an action of damages against the offending party, especially if such nuisance involves also the breach of a private warranty. 12 An. 541.

A municipal corporation has no right to enforce obedience to the ordinances which it has the power to pass, by fine and imprisonment or other penalty, unless that right has been unquestionably conferred by the law-giver. 38. An. 1.

The power of the city of New Orleans to inflict fine or imprisonment is confined and restricted to transgressions of ordinances under its police power, and can not be extended to transgressors of ordinances looking to revenue. 38 An. 750.

Fast driving is not permissible on the streets of New Orleans. 25 An. 235.

Violations of the ordinances of a city, passed in the exercise of the expressed or implied powers vested in municipal corporations, and relating to acts not included in the criminal laws of the State, can not be regarded as crimes to which the constitutional guarantees of prosecution by indictment or information and trial by jury pertain. 35 An. 1192.

The ordinance adopted by the Council of the city of New Orleans, prohibiting smoking in the street cars, is constitutional and valid.

The police power delegated to the city in section 7 of the charter gives ample authority for the enactment of the ordinance.

There is much discretion left to a municipal corporation in determining what is a nuisance, and the exercise of this discretion will not be judicially interfered with unless the corporation has been manifestly unreasonable and oppressive, invaded private rights and transcended the authority granted to it.

To determine what is a nuisance is a question of fact.

The City Council of New Orleans, to a certain extent, is vested with legislative authority, and it is vested with that discretion within its authority common to all legislative bodies. Within the exercise of this legislative discretion it has authority to determine what is a nuisance, and to pass the necessary ordinances to suppress it. 42 An. 484.

Constitutional provisions and forms of proceeding relating to crimes denounced by the public criminal statutes of the State do not apply to violations of mere municipal ordinances, save to a very qualified extent.

The city of New Orleans, even prior to Act 41 of 1890, possessed power to enforce her ordinances by fine or by imprisonment in default of payment within the limits fixed by law, and when the penalty defined in the ordinance is within said limits the Recorders of the city are bound to observe the same and can neither extend nor diminish them. 42 An. 1110.

The courts of this State have no power by injunction to prevent a municipal corporation from enforcing police ordinances in the interest of public order and health, penal in their nature. 42 An. 629.

The game ordinarily known as pin pool is not a gambling game in the sense of the Constitution and the law; and a city ordinance denouncing it as such is illegal. 43 An. 1076.

The same act may constitute a crime against the public law of the State and also a petty offence against a municipal regulation. The two offences are different, and each may be punished without violating any constitutional right of the party accused. 45 An. 717; 46 An. 1232, 1364.

OFFICERS AND EMPLOYEES—See EMPLOYEES.

ACT 57 OF 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That Act No. 26 of the General Assembly of the State of Louisiana, approved February 15, 1873, be amended and re-enacted so as to read as follows: Act No. 26 of 1873 amended.

That any public officer or employee authorized by the Constitution and laws of the State of Louisiana, in either the legislative, executive, judiciary or military departments of the State government, or any officer or employee of the parishes, judicial or other districts, or of cities and towns incorporated or having governments authorized by law, whose compensation for official services or employment therein is fixed by the Constitution or laws thereof, who shall charge or receive or take, directly or indirectly, any more than the said lawful compensation for said official services or employment, shall be deemed guilty of extortion in office, and shall be punishable in the manner hereinafter prescribed in this act. Extortion in office defined.

SEC. 2. *Be it further enacted, etc.,* That any public officer or employee, as designated in section 1 of this act, who shall fraudulently carry or caused to be carried, directly or indirectly, upon the lists or payrolls of his office, the name or names of persons as employees therein, to whom are thus allowed salaries or pay for services not rendered, said pretended employee or employees being such as are commonly known as "deadheads," shall, on conviction] by a [court of competent jurisdiction, be guilty of the

crime of extortion in office, and shall be punishable in the manner hereinafter prescribed in this act.

Punishment.

SEC. 3. *Be it further enacted, etc.,* That any officer or person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction shall be liable to pay a fine of not more than one thousand dollars, and to an imprisonment for a term not exceeding five years, at the discretion of the court; and any person aggrieved or injured by the acts of said offender shall, independent of any criminal proceedings, be entitled to maintain a civil action against the same for damages or injuries sustained, and a verdict in favor of the party injured, or a conviction of such offender, shall, *ipso facto*, operate a vacation of the office or functions of said offending official or employee.

Repealing clause.

SEC. 4. *Be it further enacted, etc.,* That this act shall take effect and be in force from and after its passage, and all conflicting laws herewith be and the same are hereby repealed.

ACT 135 OF 1888.

No contract or purchase by the City Council of New Orleans binding, unless previously authorized by the Council, and previously let to the lowest bidder.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That neither the Council of the city of New Orleans, nor any committee thereof, nor any of the officers of said city shall have the power to bind the city by any contract for any public work, or for the purchase of any materials or supplies for any of the departments of the city government, unless there shall have been previously passed a resolution authorizing the said contract or the said purchase, and unless the said contract for public work or for the furnishing of said materials and supplies shall have been let by the Comptroller to the lowest bidder, as provided in section 21 of the City Charter; provided, however, that in cases of emergency the officers of the various departments may make bills for the supplies of materials not exceeding fifty dollars; but in all such cases immediate report in writing of the making of such bill shall be made by the head of the department to the Mayor, setting forth the reason of his action, which report shall be laid by the Mayor before the Council and receive the approval of that body before the said bid is ordered paid.

Exceptional provisions.

Estimate of supplies and materials required of every head of department twice every year.

SEC. 2. *Be it further enacted, etc.,* That on the first of January and July of each and every year each and every head of every department of the city government shall lay before the Council an estimate of the supplies and material (within the limitation of the appropriations made in the budget for his department) that may be needed in his department during the current six months; and the said Council shall approve or modify, in its discretion, said estimate, and shall thereupon direct the Comptroller to advertise and adjudicate the contract to furnish said supplies and

material, or so much thereof as may be needed, to the lowest bidder, as provided in section 21 of the City Charter.

ACT 113 OF 1892.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That section 6 of Act No. 135 of 1888 be and is hereby amended and re-enacted so as to read as follows:

That officers and members of the city government are hereby required and commanded to attend personally to the duties of their office, and are hereby prohibited from absenting themselves from the city of New Orleans unless by permission of the Council previously granted, for reasonable cause stated and approved. They shall keep their offices open from 9 o'clock in the morning until 3 o'clock in the evening, and shall require their employees and clerks to be and remain therein during those hours.

Requiring the personal attendance to the duties of their office of officers and members of the city Government of New Orleans.

ART. 1455. That in all cases in which the Mayor or any Administrator or officer of the city may have been or may hereafter be sued upon by any individual for acts performed in the execution of their duty, the city will pay the fees of counsel employed by them in their defence as well as the amount of any judgment that may be obtained against them and all costs and other expenses of suit, and otherwise indemnify them from all loss, injury or damage which they may be jointly or severally subjected to in the premises.

City to pay counsel fees of Mayor and Administrators.
Ord. No. 2842,
A. S.
Nov., 1874.

ART. 1456. That from and after the passage of this ordinance it shall be the duty of the Mayor and Administrators of the city of New Orleans to make a monthly visit to the public institutions of this city, such as the Boys's House of Refuge, the Insane Asylum, the Asylum for the Aged and Infirm, the Parish Prison, etc., to examine the condition of said institutions.

To visit public institutions monthly.
Ord. No. 4956,
A. S.
Mar., 1879.

ART. 1457. That from and after the adoption of this ordinance no new work to an amount exceeding five hundred dollars shall be undertaken or contracted for by any Administrator without the authority of the City Council first obtained and resolution to that effect.

Authority for contracts over \$500.
Ord. No. 4495,
A. S.
May, 1878.

ART. 1458. (3) The Comptroller shall not issue warrants to officers or employees of the city in any instance until they complete their bonds in accordance with the ordinance under which they hold office.

Bonds to be completed before issue of warrants.
Ord. No. 3205,
O. S.
Jan. 7, 1857.

To be furnished within two weeks.

ART. 1459. (4) All persons appointed to office by the Common Council, who shall neglect to furnish the name or names of his securities within two weeks after their appointment, will be considered as having declined to qualify, and the Council will proceed to a new election, unless satisfactory reason be given for the delay.

Condition of bonds.

ART. 1460. (5) It shall be the duty of the City Attorney and Comptroller, in all bonds of city officers, to provide that such bonds shall continue in force during the continuance of such officers in the employment to which they may have been elected, so that their re-appointment or re-election shall not impair the obligation of such bonds.

Executive Department, see section 12, City Charter.

Oath of office, see section 16, City Charter.

Ineligibility of members of Council, see section 18, City Charter.

Right to seats in Council, see section 29, City Charter.

Removal, see section 30, City Charter.

Holding over, see section 31, City Charter.

Clerks, Deputies, each department, their bond and duties, see section 39, City Charter.

Salaries, see section 40, City Charter.

No increase of salaries, see section 41, City Charter.

OFFICIAL JOURNAL.

Public printing to be let out by contract to the lowest bidder.

Act 6, 1881.

ART. 1461. That the police juries and municipal corporations in all parishes, including the parish of Orleans, shall not hereafter order public printing of any kind unless the same be done under contract and adjudication to the lowest responsible bidder under such rules and regulations as they may establish, after due public notice of at least ten days; and the price thereof shall not in any case exceed the price fixed for judicial advertisements; and for other printing or job work they shall in no case exceed the maximum price fixed for State printing in this act. The said police juries and municipal corporations shall always have reserved to them the right of rejecting any and all bids, and shall require adequate security in the parish from the lowest responsible bidder for the complete fulfillment of the contract resulting from adjudication.

ART. 1462. It shall be the duty of the Mayor to publish all ordinances and resolutions passed by the Council, and it shall be the duty of the Clerk of the Council to publish the proceedings of the Council. The whole in a newspaper published daily in New Orleans, and which shall have been in existence as a daily paper for one year previous to the contract; the proprietors of which paper shall offer to publish said proceedings at the lowest price, at public auction, after one week's notice, and give good security for the faithful performance of the work. Such offering shall be made at least every two years, and no contract shall be made for a longer period.

Publication of
ordinances.
Sec. 17.
City charter.

ART. 1463. That hereafter no officer of this city, nor any State officer, shall cause to be published at the expense of the city any notice or advertisement in any other than the official paper of the city, nor for a longer time than is required by law, unless by special order of the Council.

Publications
in official jour-
nal.
Ord. No. 4426,
C. S.
April 8, 1890.

ART. 1464. That the finance committee shall not approve any bill for any printing done in violation of the first section of this ordinance.

Finance Com-
mittee's ap-
proval. Ib.

ART. 1465. That the finance committee be and it is hereby directed to cancel and disregard all charges made for advertisements which appear after the hour set forth in the matter of bids and proposals and their reception.

Advertisements
after the
hour.
Ord. No. 10,267,
C. S.
Feb. 2, 1895.

ONE-TWELFTH RULE—See APPROPRIATIONS.

ORDINANCES AND CITY LAWS—See COMPTROLLER, MAYOR.

ART. 1466. That the Mayor of the city be and he is hereby authorized and directed to employ a competent person or persons whose duty it shall be to make and prepare a careful compilation of the ordinances of the city of New Orleans up to date, and to properly digest and index same, and he shall also compile all laws of

Com pilation
of city ordi-
nances.
Ord. No. 10,758,
C. S.
May 21, 1895.

Passage of the State and decisions of the Supreme Court of the State
ordinances. affecting said ordinances of the city of New Orleans.
City charter.
Sec. 9.

ART. 1467. No ordinance or resolution shall pass the Council at the same session at which it is first offered, but any ordinance or resolution shall at its first offering be read in full, and shall lay over one week before being finally considered by the Council.

Open doors.
Sec. 11.

Ib. ART. 1468. The Council shall sit with open doors and no resolution or ordinance, except resolutions for investigation and for the conduct of parliamentary business, shall have the force of law, unless it receives the votes of the majority of the members elected to said Council, and unless on its final passage the ayes and nays are called and recorded.

Approval of
ordinances.
Sec. 20.

Ib. ART. 1469. All ordinances and resolutions, after having been passed by the Council, shall be transmitted to the Mayor for his consideration, who, if he shall approve thereof, shall sign and publish the same, and such ordinances and resolutions shall thereupon have the force of law. But if the Mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall within five days from the time he received it return the same to the Council with his objections in writing, and if two-thirds of the members elect shall adhere to said ordinance or resolution notwithstanding said objection, then, and not otherwise, the said ordinance or resolution shall, after publication thereof, have the force of law; the failure to return an ordinance with his veto within five days, if the Council be in session, or to the next session of the Council after five days, shall have the same effect as a veto. Any ordinance making appropriation or fixing the number and salaries of employees may be approved in part or vetoed as to specific items mentioned by the Mayor in his veto message.

Publication.
City charter.
Sec. 17.

ART. 1470. It shall be the duty of the Mayor to publish all ordinances and resolutions passed by the Council, and it shall be the duty of the Clerk of the Council to publish the proceedings of the Council. The whole in a newspaper published daily in New Orleans, and which

shall have been in existence as a daily paper for one year previous to the contract, the proprietors of which paper shall offer to publish said proceedings at the lowest price at public auction after one week's notice, and give good security for the faithful performance of the work. Such offering shall be made at least every two years, and no contract shall be made for a longer period.

PRIVATE ORDINANCES.

ART. 1471. That hereafter when any ordinance of a private nature conveying or intending to convey a permit, franchise, right or grant of any kind whatever to an individual, firm, company or corporation, the person or party interested in the benefit of such private ordinance shall pay to the city the cost of printing and publication thereof in the official proceedings and as an approved ordinance, and no ordinance of the private character hereinbefore described shall be promulgated unless a certificate shall have been filed with the Mayor, showing that there has been deposited with the Treasurer for the use of the city a sum sufficient to defray said expenses.

Party interested to pay cost of printing.
Ord. No. 36, C. S.
Dec. 26, 1882.

NAME OF ORDINANCES.

ART. 1472. That all ordinances and resolutions passed by this Council shall be known as and entitled Council Series.

To be known as Council Series.
Ord. No. 1, C. S.
Nov. 28, 1882.

ART. 1473. That the Comptroller be and he is hereby authorized and directed to withhold the publication of any and all petitions for the paving of streets, banquettes or the opening of streets of this city under the provisions of sections 32, 33 and 34 of the City Charter, until all costs of printing therefor shall have been deposited with the Comptroller, the same to be duly credited by him to the "public printing account."

Cost of publication to be deposited.
Ord. No. 3145, C. S.
Aug. 7, 1888.

ART. 1474. That no notarial act shall be entered into by the Mayor nor other proceedings be had to carry out any paving ordinance as contemplated by the provisions of the City Charter, hereinbefore recited, until in compliance with section 35 of the Charter the cost of pub-

Notarial act.
1b.

lication has been paid into the Treasury through the department of the Comptroller, and the Mayor been duly notified of such payment.

Ordinances amending or repealing ordinances must contain title or substance of ordinances repealed.

Ord. No. 4172,
C. 8.
Dec. 26, 1889.

ART. 1475. That all motions or resolutions having for their object the repealing of any ordinance or resolution of this Council shall be submitted by the title or by a statement of the subject matter to be repealed.

DECISIONS.

An unconstitutional provision in a city ordinance does not vitiate the whole ordinance, unless the two provisions are so closely connected in object and meaning that the one can not exist without the other. 39 An. 247.

When the fact is denied that a certain ordinance has been enacted by a Town Council, the fact can only be proved by the deliberations of the Council and their promulgation duly attested. 30 An. 1105.

Municipal ordinances are not required to be read in full. 36 An. 641.

The city has no power to punish by fine and imprisonment the non-payment of licenses on trades and occupations. 32 An. —.

The city may by injunction close a blacksmith shop which, from its noise, odor and smoke, renders living in the neighborhood inconvenient and unpleasant, and is carried on in violation of the city ordinances. C. C., 665; 14 An. 247.

Ordinance inconsistent with and in conflict with the general policy of the State is illegal, null and void. 45 An. 34.

The Legislature may delegate to municipal corporations power to adopt and enforce ordinances on matters of special local importance, though general statutes exist relating to the same subjects. 45 An. 717; 46 An. 1234, 1364.

An ordinance to the extent that it may transcend the power vested in the body which passed it is null. 47 An. 1660.

OPIUM.

ART. 1476. That it shall be unlawful for any person or persons to sell, barter or exchange the drug known as opium, except on the prescription of an accredited physician.

Sale of.
Ord. No. 750,
C. S.
June, 1884.

ART. 1477. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or impris

Penalty.
Ord. No. 4957,
C. S.
Dec. 16, 1890.

oned in the said parish prison for a term not to exceed thirty days, in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

ART. 1478. (2) That it shall be unlawful for any person or persons to keep such an establishment as is commonly designated "a joint," where opium is smoked or otherwise used. Any person or persons keeping such an establishment, as well as all those found therein, either as visitors through curiosity, or in the act of using or smoking opium, shall be arrested, and on conviction before any of the Recorders be fined not less than ten dollars or imprisonment for not more than thirty days, or both.

Opium joints.
Ord. No. 750,
C. S.
June 17, 1884.

Penalty.

ORGANIZATION OF DEPARTMENTS.

ART. 1479. The Council shall organize the Departments of Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, regulate the number of clerks and other officers to be employed by each department, and fix the salaries of such clerks and officers; said clerks and officers shall be appointed by said Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings, respectively, by and with the advice and consent of the Council; but said clerks and officers may be discharged by said Comptroller, Treasurer, Commissioner of Public Works, and Commissioner of Police and Public Buildings, respectively, at pleasure, and in case of the discharge of any clerk or officer by said Comptroller, Treasurer, Commissioner of Public Works and Commissioner of Police and Public Buildings the fact of said discharge shall be communicated to the Council at its first meeting thereafter, together with the cause thereof.

Organization
of Departments.
Sec. 38, City
charter.

Deadheads.
Act 57 of 1888.

ART. 1480. (2) That any public officer or employee, as designated in section 1 of this act, who shall fraudulently carry or cause to be carried, directly or indirectly, upon the lists or pay rolls of his office the name or names of persons as employees therein to whom are thus allowed salaries or pay for services not rendered, said pretended employee or employees being such as are commonly known as "deadheads," shall, on conviction by a court of competent jurisdiction, be guilty of the crime of extortion in office, and shall be punishable in the manner hereinafter prescribed in this act.

Extortion in
office.

ORGANIZATION.

Ord. No 8876,
C. S.
Mar. 20, 1890.
Amended by
Ords. Nos. 10,
069, C. S.; 10,
070, C. S.; 10,
072, C. S.; 10,
763, C. S.

SECTION 1. That the Departments of Mayor, Comptroller, Treasurer, Commissioner of Public Works, Commissioner of Police and Public Buildings, City Attorney, Department of the City Council, City Engineer, be and they are hereby organized, and said departments are hereby authorized and directed to employ such clerks, officers and other employees at such salaries as herein stated:

Department of the Mayor.

One secretary, \$200 per month; one chief clerk, \$150 per month; assistant clerk, \$75 per month; one door keeper, \$50 per month.

City Hall Building.

One librarian, \$75 per month; one assistant librarian, \$75 per month; one custodian of archives, \$50 per month; one janitor, \$100 per month; three porters, each \$50 per month; two elevator men, each \$60 per month.

Comptroller's Department.

One chief clerk, \$150 per month; one warrant clerk, \$150 per month; one book-keeper, \$125 per month; one assistant book-keeper, \$100 per month; one individual book-keeper, \$125 per month; one legal process clerk, \$100 per month; one porter, \$50 per month.

Tax Mortgage Registry.

One chief clerk, \$125 per month; four assistant clerks, each \$100 per month.

Treasurer's Department.

One chief clerk, \$200 per month; one cashier, \$125 per month; one book-keeper, \$150 per month; one license clerk, \$125 per month; one tax receiver, \$200 per month; two tax clerks, each \$125 per month; one messenger, \$75 per month.

Commissioner of Police and Public Buildings.

One general superintendent, \$150 per month; one chief clerk, \$150 per month; one assistant clerk, \$100 per month; one porter and messenger, \$50 per month.

Police Jail.

One superintendent, \$125 per month; one assistant superintendent and clerk, \$83.33 per month; one matron, \$40 per month; two night watchmen, each \$50 per month; two day watchmen, each \$50 per month; six keepers market and street gang, each \$50 per month; one gate-keeper, \$50 per month; one assistant gate-keeper, \$50 per month.

Fire Alarm Telegraph.

One superintendent, \$150 per month; one lineman, \$100 per month; three assistant linemen, each \$75 per month; three operators, each \$100 per month; one battery man and messenger, \$50 per month; one superintendent, Fifth District, \$75 per month; one superintendent, Sixth District, \$75 per month; one superintendent, Seventh District, \$60 per month.

Removal Sick and Dead.

One carpenter, \$65 per month; two drivers, each \$50 per month.

Conveying Prisoners.

Two drivers, each \$50 per month; one hostler, \$50 per month.

Parish Prison.

One commissary, \$75 per month; one inspector patrol boxes, \$100 per month.

Archives, Civil District Court.

Two clerks, \$75 per month.

Porters, Court House.

Civil District Court, two porters, each \$50 per month; Criminal District Court, two porters, each \$50 per month; Supreme Court, one porter, \$50 per month.

Public Squares.

Lafayette Square, one laborer, \$50 per month; Annunciation Square, one laborer, \$50 per month; Clay Square, one laborer, \$50 month.

Matrons, Police Station.

Two matrons, each \$40 per month.

Commissary of Markets.

Four commissaries, each \$50 per month; two morgue keepers, one for day and one for night, each \$60 per month.

New Court House and Jail.

Two engineers, each \$100 per month; two firemen, each \$60 per month; one janitor, \$100 per month.

Commissioner of Public Works.

One stenographer, \$75 per month; one chief clerk, \$150 per month; one book-keeper, \$125 per month; one assistant book-keeper, \$100 per month; one complaint clerk, \$100 per month; one porter and messenger, \$50 per month; one general superintendent, \$150 per month; one upper district superintendent, \$100 per month; one lower district superintendent, \$100 per month; one foreman for each of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh,

Twelfth and Fifteenth Wards, each \$70 per month; one foreman for the Thirteenth and Fourteenth Wards, \$70 per month; one foreman for the Sixteenth and Seventeenth Wards, \$70 per month; two keepers of roadway for Gentility Road, from North Laharpe to Michead, each \$60 per month; laborers, \$1.50 per day; carpenters, \$2.50 per day; carts, \$2.50 per day; pavers, \$2.50 per day.

Supply Depots.

One day watchman, depot, above Canal street, \$75 per month; one night watchman, depot above Canal street, \$50 per month; one day watchman, depot below Canal street, \$50 per month.

Canal and Navigation Bridges.

One keeper Marais street bridge, \$40 per month; one keeper Villere street bridge, \$40 per month; one keeper Claiborne street bridge, \$40 per month; one keeper Galvez street bridge, \$40 per month; one keeper Broad street bridge, \$40 per month; one keeper St. John foot bridge, \$40 per month; one keeper Esplanade street bridge, \$50 per month; one keeper Liberty street bridge, \$50 per month; three keepers Magnolia street bridge, each \$50 per month; two keepers White street bridge, each \$40 per month; one keeper West End bridge, \$40 per month.

Drainage Machines.

Bienville street: One engineer, \$83.33 per month; two firemen, each \$50 per month. Melpomenè avenue: One engineer, \$83.33 per month; two firemen, each \$50 per month. Dublin avenue: One engineer, \$83.33 per month; two firemen, each \$50 per month. London avenue: One engineer, \$83.33 per month; two firemen, each \$50 per month. Orleans street: One engineer, \$83.33 per month; one fireman, \$50 per month.

Algiers Pump.

One watchman, \$10 per month.

Wharves and Landings.

One superintendent from Canal street to lower limits, \$120 per month; one superintendent from Canal street to upper limits, \$120 per month; one wharfinger First District, \$100 per month; one wharfinger Second District, \$100 per month; one wharfinger Third District, \$75 per month; one wharfinger Fourth District, \$83.33 per month; one contravention clerk, First District, \$70 per month; one contravention clerk, Second District, \$70 per month; one signal officer, First District, \$45 per month; one signal officer, Second District, \$45 per month; one keeper public roads, Algiers, \$60 per month.

City Council.

One clerk of Council, \$150 per month; one assistant clerk of Council, \$150 per month; four committee clerks of Council, each \$150 per month; one sergeant-at-arms, \$125 per month.

City Attorney.

One assistant City Attorney, \$283.33 per month; two assistant City Attorneys, each \$200 per month; one assistant City Attorney, \$166 per month; one clerk, \$100 per month; one assistant clerk and stenographer, \$75 per month; one messenger, \$60 per month.

City Engineer.

Two assistant City Engineers, each \$135 per month, one chief clerk, \$150 per month; two assistant clerks, each \$120 per month; three assistant engineers, each \$100 per month; one draughtsman, \$100 per month; one inspector, \$100 per month; one stenographer, \$75 per month; five rodmen, each \$50 per month; one assistant draughtsman, \$55 per month; one tracer, \$50 per month; one messenger, \$40 per month; one custodian, \$55 per month; one copyist, \$20 per month; three inspectors, per day, each \$3; one porter, \$20 per month.

ART. 1481. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Ordinances organizing the departments:

Ordinances Nos. 2956, 2977, 2990, 2992, 3030, 3076, 3101, 3174, 3305, 3306, 3479, 3665, 3691, 3831, 4775, 5029, 5117, 5118, 5292, 6426, 7151, 7737, 7750, 7955, 8470, 8471, 8601, 8876.

ORPHANS.

See ASYLUMS.

ART. 1482. That Ordinances Nos. 420 and 3321, O. S., be and they are hereby repealed.

Repealing
Ords. Nos. 420
and 3321, O. S.
Ord. No. 3423,
C. S.
Dec. 18, 1888.

OVENS AND KILNS.

PRIVILEGES.

- Ord. 3276. Beirnius, Elizabeth, Washington and Annunciation streets, oven, October 24, 1888.
- Ord. 7115. Becker, Frank, Rampart and Montegut streets, oven, January 19, 1893.
- Ord. 7358. Bashor, Christian, Foucher and Laurel streets, oven, March 30, 1893.
- Ord. 7894. Baehr, Frank, Magazine between Berlin and Milan streets, oven, August 3, 1893.
- Ord. 7656. Cury, L. J., foot of Robin street, brick kiln, June 2, 1893.
- Ord. 4381. Domecq, John, 165 Canal street, oven, March 28, 1890.
- Ord. 9183. Dosso, Theo., Royal and Enghien streets, oven, October 5, 1894.
- Ord. 5164. Entzminger, E., Louisa and Rampart streets, oven, March 7, 1891.
- Ord. 5634. Ehrhardt, George, Johnson and Bienville streets, oven, October 1, 1891.
- Ord. 7561. Entzminger, H., Urquhart and Spain streets, oven, May 11, 1893.
- Ord. 7586. Entzminger, H., Urquhart and Spain streets, oven, May 19, 1893.
- Ord. 3357. Fabares, Cyprien, Dauphine and Flood streets, oven, November 22, 1888.
- Ord. 11,236. Fehrenbach, Martin, 903 Washington avenue, oven, September 3, 1895.
- Ord. 7829. Garico, Oscar, Hospital and Royal streets, oven, July 28, 1893.
- Ord. 10,720. Grere, Mrs. S., 505 St. Philip street, oven, May 17, 1895.
- Ord. 2584. Herschwitz, F., 88 Dauphine street, November 18, 1887.
- Ord. 4713. Hacker, Ed W., Miro, Cleveland, Palmyra and Tonti streets, oven, September 5, 1890.

- Ord. 8481. Hopkins, S. P., Dauphine and Louisa streets, oven, December 21, 1893.
- Ord. 7092. Ignoffi, Phillippo, 243 St. Claude street, oven, January 11, 1893.
- Ord. 8532. Igan, Chas., 124 Hospital street, oven, January 6, 1894.
- Ord. 8991. Juriceich, Joseph, 35 St. Philip street, oven, April 14, 1889.
- Ord. 10,875. Jordan, Martin, Eliza, between Powder and Bouny streets, June 18, 1895.
- Ord. 3085. Kuhn, Philip, Roman and Mandeville streets, July 20, 1888.
- Ord. 7915. Kern, Henry, Locust and Philip streets, oven, August 3, 1893.
- Ord. 3258. Lemanere, Adolph, 88 Royal street, October 15, 1888.
- Ord. 7893. Leclerc, A. L., 157 Royal street, oven, August 3, 1893.
- Ord. 8174. Lambert, Frederick, 164 Port street, oven, October 19, 1893.
- Ord. 10,197. Lafferanderie, Louis L., 728 Bienville street, oven, January 16, 1895.
- Ord. 10,794. Lefevre, Emile, 59 Onzaga street, oven, May 31, 1895.
- Ord. 2772. Munhausen, August, St. Claude and Clouet streets, February 21, 1888.
- Ord. 4587. Miller, August, Marais, near St. Ferdinand street, oven, June 27, 1890.
- Ord. 7513. Meyer, Henry, Fifth and Cambronne streets, oven, May 4, 1893.
- Ord. 9401. Massicot, S. J., Paris avenue and New Orleans street, near Gentilly road, oven, July 9, 1894.
- Ord. 9781. Massicot, S. J., Hagan avenue and St. Philip street, oven, October 5, 1894.
- Ord. 10,904. Miller, Geo. A., Bienville and Solomon streets, oven, June 21, 1895.
- Ord. 11,044. Muller, O. T., Bienville and Alexander streets, oven, July 25, 1895.
- Ord. 2772. New Orleans Art Pottery Company, 247 Baronne street, February 21, 1888.
- Ord. 2575. Ohler, Felix, Marais near Spain street, oven, November 11, 1887.
- Ord. 3926. O'Connor, U., Freret near Erato street, oven, August 15, 1889.
- Ord. 8206. Ohler, Felix, Ferdinand near Morales street, oven, October 24, 1893.
- Ord. 10,338. Potchon, Wm., Aline and Tchoupitoulas streets, oven, February 15, 1895.
- Ord. 9112. Rochester, J. O., Hampson and Broadway streets, oven, November 19, 1889.
- Ord. 5241. Rombart, Geo., Valmont and Constance streets, oven, April 17, 1891.
- Ord. 9274. Rousseau, Wm. N., Vallette, between Evelina and Market streets, oven, June 1, 1894.
- Ord. 10,378. Reimer, John, Jourdan avenue between Dauphine and Burgundy streets, oven, March 7, 1895.
- Ord. 10,825. Reimer, John, Jourdan avenue between Dauphine and Burgundy streets, oven, June 7, 1895.
- Ord. 2584. Sohtemer, Bernhard, 392 Claiborne street, oven, November 18, 1887.

- Ord. 3501. Soland, H. J., General Taylor and Laurel streets, oven, January 25, 1889.
 Ord. 3570. Sexert, A. S., 151 Royal street, oven, March 1, 1889.
 Ord. 6507. Stein, Geo., Chestnut between Broadway and Magazine streets, oven, July 8, 1892.
 Ord. 7935. Schwankhart, Vincent, 192 Camp street, oven, August 18, 1893.
 Ord. 11,429. Schmidt, Frederick, 2819 Dauphine street, oven, October 8, 1895.

PARENTS—See MINORS.

PARKS, SQUARES AND NEUTRAL GROUNDS.

See OFFENCES.

ACT NO 84 OF 1870—EXTRA SESSION.

To establish a public park for the city of New Orleans, and to provide means therefor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That so much of that piece (of) [or] parcel of land situated on the Metairie road in the city of New Orleans, and laid out by the city of New Orleans as a public park, and all such lands as may hereafter be acquired for that purpose by virtue of this act, shall hereafter be known and entitled as "The New Orleans Park."

SEC. 2. *Be it further enacted, etc.,* That the said park shall be under the exclusive control and management of a board of commissioners to consist of five persons, who shall be named and styled "The Commissioners of the New Orleans Park." No action of the board shall be deemed final or binding unless it shall have received the approval of four members of the board, whose names shall be recorded in the minutes.

SEC. 12. *Be it further enacted, etc.,* That it shall be lawful for the commissioners to put to work on said park all male persons committed to the workhouse by any Recorder or justice of the peace, and all male persons sentenced to imprisonment in the parish prison by the district court for burglary, larceny, perjury, robbery and vagrancy. And it shall be lawful for the commissioners to establish and maintain a bridge across the New Canal, between the Metairie road and the lake; provided, that it be so built as to let pass all vessels using said canal.

SEC. 13. *Be it further enacted, etc.,* That the said commissioners are hereby authorized to purchase, receive and hold such real estate between the Metairie road and the Lake Pontchartrain as may be necessary and convenient in accomplishing the objects for which said commissioners are appointed. They may, by their agents, surveyors, engineers and servants enter upon all

lands and tenements between the Metairie road and Lake Pontchartrain upon which they may conclude to establish said park, and survey and lay out and construct the same, and may agree and contract for the land with the owner of the land, which they may think necessary for the park. If said land belong to the estate of any deceased person, then with the executor or administrator of such, or in case of the same belonging to a minor or person *non compos mentis*, then with his or her guardian or tutor, or in case said lands be held by trustees of school sections or other representatives of estates, then with such representatives. And said executors, administrators, tutors, guardians and representatives are hereby declared competent for such estate, person or minor, to contract with said commissioners to use, occupy and possess the lands of such estates, persons and minors, so far as may be useful or necessary for the purposes of the park; and the act or deed of such executors, administrators, tutors, guardians or representatives in relation thereto shall pass a title in such lands in the same manner as if the said deed or act was made or done by a legal owner of full age and sound mind; and such executor, administrator, tutor, guardian or representative shall account to those interested in their respective bonds for the amount paid him in pursuance of such agreement and composition; and if said commissioners and the parties representing lands prefer they may refer the question of compensation to arbitrators, mutually chosen, whose award or that of their umpire (in case of disagreement) shall vest title according to its terms.

SEC. 14. *Be it further enacted, etc.,* That if said Commissioners are unable to agree for the purchase of any real estate required for the use and purposes of said Commissioners, as provided in the preceding section, or are unable to obtain the title thereon, they shall have the right to obtain title of the same in the following manner: The said Commissioners may apply to any of the district courts for the parish of Orleans for the appointment of appraisers. The application shall substantially set forth and state—

First—It must be entitled so as to describe the court wherein or the judge to whom the application is made, and the character of the application:

Second—The real estate which the Commissioners seek to acquire must be described by metes and bounds; and several parcels of land, owned by different persons, may be included in one application.

Third—That the Commissioners have not been able to acquire the land and the reason of such inability.

Fourth—The names of all owners or parties interested in said real estate, so far as the same are known to the applicant, must be set forth, and if not known the fact must be stated. A copy

of such application, and notice of the time and place the same will be presented, must be served on all persons named in said application, as owners or interested in said real estate, at least ten days prior to the presentation of the same; provided, such owners so named (*and*) [are] residents, and can be found within the State of Louisiana, and are not infants, idiots or persons of unsound mind; in that case, upon their tutors, curators or guardians.

SEC. 15. *Be it further enacted, etc.,* That on presentation of the application to the court or judge therein named, and no person appearing to oppose said application, and whenever it shall satisfactorily appear from said application and proofs thereunto attached, that service of notice of the time and place of the presentation of said application upon all the owners and persons interested in said land has been made, the said court shall forthwith make an order appointing three disinterested and competent freeholders, who reside in the city of New Orleans, as appraisers to ascertain and appraise the value of said lands, or compensation to be made to those interested in the lands proposed to be taken by said commissioners for their purposes; the appraisers shall make a report in writing to the court, and, if not opposed within ten days, the same shall be confirmed by the court, and an order shall be made reciting the proceedings of the appraisal, the confirmation of the same, and a description of the real estate, and directing to whom the money or value of said real estate is to be paid, or in what manner the same shall be deposited by said commissioners for the use and benefit of said owners. And if any person shall appear to oppose the confirmation of said report, the said court shall hear the parties for and against such confirmation, and if said court shall decide against such confirmation, an order shall be entered directing said appraisers or other appraisers to proceed to a reappraisal of the said premises, and the report of said appraisers shall be final, and shall be confirmed by said court; and the order of said court confirming any appraisal as aforesaid shall be final and conclusive on all parties interested; provided, that an appeal will lie to the Supreme Court.

SEC. 16. *Be it further enacted, etc.,* That the order of said court confirming an appraisal of lands as heretofore provided, or a certified copy of the same shall be filed in the office of the Recorder of Conveyances for the parish wherein the land is situated, and there shall remain a record: and such order so entered and recorded shall vest in said commissioners the lands described therein, and such estate as may therein be set forth on the payment or tender of payment or deposit of the amount of the appraisal and damages by said company, as provided in said order; and said order, or a duly certified copy thereof, with proof of such payment and deposit as therein provided, will be considered as legal evidence of the title and estate of the commissioners to the real estate.

SEC. 17. *Be it further enacted, etc.*, That said commissioners may drain into the New Canal all the lands constituting the park; and in case they should determine to do their own drainage the said lands shall not be liable to any drainage tax.

SEC. 18. *Be it further enacted, etc.*, That the said commissioners are authorized and empowered from time to time to borrow money for the purpose of constructing said park, and as evidence of the indebtedness of said commissioners for such loans, they may issue their corporate bonds or promissory notes, bearing interest at a rate not to exceed 8 per cent. per annum; and to secure the payment of said bonds and note may mortgage its real and personal property, as well as the land now belonging to the city of New Orleans, known as the City Park; and the said commissioners may sell, dispose of or negotiate said bonds or notes at such times and places and at such rates and for such prices, either within or without the limits of this State, as in their judgment will best advance their interests; and if such bonds or notes are thus sold at a discount such sale shall be in all respects valid and binding for the par value thereof, as if the same had been sold at par value.

SEC. 20. *Be it further enacted, etc.*, That this act shall be favorably construed so as to favor all the purposes and objects of the same, and the operations of the provisions thereof, and shall take effect from and after its passage.

ACT NO. 87 OF 1877. EXTRA SESSION.

To abolish the Board of Commissioners styled "The Commissioners of the New Orleans Park;" to repeal all laws imposing a special tax for the New Orleans Park, and confer upon the city of New Orleans all the powers and duties heretofore imposed upon the Commissioners of the New Orleans Park.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened.* That the office of the Commissioners of the New Orleans Park be and the same is hereby abolished; that the special tax for the park be and the same is hereby abolished, and that all the powers and duties conferred on the Park Commissioners by Act 84 of Extra Session of one thousand eight hundred and seventy, entitled "An act to establish a public park for the city of New Orleans, and to provide means therefor," and the amendments thereto, are hereby conferred on and transferred to the City Council of New Orleans.

See State *ex rel.* Carondelet Canal and Nav. Co. *vs.* Pilsbury, 30 An. 705.

WHEREAS, Act No. 87 of the General Assembly of 1877, approved April 20, 1877, abolished the Board of Commissioners of the New Orleans Park, and provides that all the powers and duties conferred on the said

commissioners are conferred on and transferred to the City Council; therefore, be it resolved,

ART. 1483. That the Administrator of Police, shall have general superintendence of the property known as the City Park, situated in the Second District, and also of the tract of land situated in the Seventh District, purchased by the commissioners from the Foucher estate for the purpose of a park. That he shall report to the Council the present condition of said properties, particularly as regards the fences enclosing the same; also if the said grounds are in charge of keepers appointed by the late commissioners, and if so, how they are employed, whether by the month or contract, in form of lease, the amount of salary or compensation agreed to be paid them, how paid, and if the said grounds have been used with the sanction and authority of the commissioners, or otherwise, for the pasturage of horses, cattle, etc., for hire; the amount of revenues received from said source annually.

Administrator
of Police.
July, 1877.
A. S. 4021.

ART. 1484. (5) Vehicles of all descriptions are hereby prohibited from standing around said squares, and it is also made unlawful for bootblacks, candy sellers, peanut vendors, patient medicine men, or peddlers of any other description, to ply their avocations in or around said squares or parks.

Vehicles, boot-
blacks, etc.
Ib.

ART. 1485. (6) Whoever shall violate any of the sections of this ordinance shall, upon conviction thereof, be fined not more than ten dollars or imprisoned not more than ten days, by the Recorder of the district who may have jurisdiction over the matter.

Penalty.
Ib.

AUDUBON PARK.

Upper City Park and St. Charles Avenue.

ART. 1486. (1) That there be and is hereby created a Board of Commissioners, to be entrusted with the management and control of the Upper City Park and neutral ground on St. Charles avenue, to be named and styled "The Commissioners of the Upper City Park and St. Charles Avenue."

Board of Com-
missioners
created.
Ord. No. 1806,
C. S.
May 25, 1886.

Number of
board.

ART. 1487. (2) That said Board of Commissioners shall be composed of twenty-four persons, three of whom shall be the Mayor, Commissioner of Public Buildings and Commissioner of Public Works, and no action of the board shall be deemed final or binding unless it shall have received the approval of at least seven members of the board, whose names shall be recorded in the minutes.

Appointment.

Ib. ART. 1488. (3) That the Mayor, Commissioner of Public Works and Commissioner of Police and Public Buildings shall be permanent members of said board, and the other members of said Board of Commissioners shall be appointed by the Mayor, and of those who shall constitute the first board, under this ordinance, seven shall be appointed for two years, seven for four years, and seven for six years, and thereafter all appointments on said board shall be for the term of six years; that said commissioners shall receive no compensation for their services as commissioners. In case of vacancy the same shall be filled by the remaining members of said board for the residue of the term then vacant, and all vacancies caused by expiration of term of office, or neglect or incapacity of qualification, shall be filled by the Mayor, and the said Board of Commissioners shall at all times be so constituted that each district of the city shall have at least one representative in the person of a citizen resident of said district as a member of said Board of Commissioners.

Powers of.

Ib. ART. 1489. (4) That the said board shall have the full and exclusive power to govern, manage and direct the said park and neutral ground, to lay out and regulate the same, to pass rules and regulations for the government thereof not inconsistent with the law or city ordinances, to elect or appoint such officers and committees as they may deem proper, to prescribe and define their respective duties and authority, the amount of their compensation; provided, that neither the city nor said public property be liable therefor, and generally to do all things in regard to said park and neutral ground,

the ornamentation and beautifying same for the health, pleasure, instruction and enjoyment of the people.

ART. 1490. (5) That the said commissioners, nor any of them, shall ever, directly or indirectly, be in any way interested in any contract or work of any kind whatever connected with said park or neutral ground, or privilege granted thereon, and if the Mayor shall be satisfied that any of said commissioners have violated this provision, after he shall have heard said commissioner in regard thereto, he shall immediately remove the commissioner thus offending.

Commissioners
not to be in-
terested per-
sonally. Ib.

ART. 1491. (6) That the said Board of Commissioners be and they are authorized and empowered to collect, receive and expend, according to their discretion, for the purposes herein set forth, all and any donations, subscriptions, contributions, funds which may be provided by the municipal corporation, the fines hereinafter provided for, and the rents, revenues and moneys which may be derived from said property entrusted to their management and control, or from the products thereof and privileges granted thereon.

Collections and
disburse-
ments. Ib.

ART. 1492. (7) That the said Board of Commissioners shall annually, and in the month of January in each year, make to the City Council a full report of their proceedings and a statement of their receipts and expenditures.

When to re-
port. Ib.

ART. 1493. (8) That the waterworks and police force required for said property shall continue under the control and be maintained by the city.

Police control.
Ib.

ART. 1494. (9) That it shall be lawful for said Board of Commissioners, at any meeting thereof duly convened, to pass such rules and regulations as they may deem necessary for the government of said park, not inconsistent with the ordinances and regulations of the city; such rules and regulations shall, immediately after their passage, be reported to the Council.

Rules and regu-
lations. Ib.

ART. 1495. (10) That all persons offending against such rules and regulations shall be deemed guilty of misdemeanor, and be punished on conviction before the Mayor, Recorder, or any magistrate, by a fine not ex-

Penalty. Ib.

ceeding twenty-five dollars, and in default of payment by imprisonment not exceeding thirty days, and the fines collected, as well as all fines collected for violation of any city ordinance within the limits or upon the said park or neutral ground, shall be paid to the Board of Commissioners to be used for the said park and neutral ground.

Purposes of
park not to be
changed.

1b.

ART. 1496. (11) That nothing herein shall be so construed as in any manner to change the destination of the park or neutral ground designated as places of public resort and use, the enjoyment of which shall be open and common to all, subject only to the police power to preserve order and protect property and rights.

ART. 1497. (12) That all ordinances or parts of ordinances contrary to, in conflict with, or upon the same subject matter, are hereby repealed.

Change of
name.

Ord. No. 1854,
C. S.

July 13, 1886.

ART. 1498. (1) That in consideration of the distinguished abilities of the late John James Audubon as an ornithologist and an artist, his many virtues as an exemplary gentleman, and the high honor he reflected upon this his native State, from and after the passage and promulgation of this ordinance the Upper City Park shall be named and known as Audubon Park.

Rules and
regulations for
government of
Park.

Ord. No. 9797,
C. S.

Oct. 2, 1894.

ART. 1499. (1) The drives will be open to the public solely for pleasure riding or driving from sunrise to 9 o'clock P. M. Animals used upon these drives will not be allowed to move at a faster rate of speed than eight (8) miles an hour.

2. No horse or vehicle of any description will be allowed upon any part of said park except upon the drives or other places appropriated for horses and carriages.

3. No express wagon, either with or without passengers, nor any cart, dray, wagon, or any other vehicle carrying goods, merchandise, manure, etc., or which is ordinarily used for such purposes, shall be allowed on any part of said park, excepting the Magazine street road, running through the park.

4. It shall not be lawful for any person to discharge firearms, cannons, or fireworks of any kind, except by

permission of the Park Commissioners. Nor shall any one set up, erect, or place upon or within the said park any shelter, booth, or any other structure, or any post or signs, or display any card signs, or printed or written notice.

5. Nor shall any person in any manner cut, injure or deface any tree, shrub, plant or grass, or any fence or other erection thereon.

6. No person shall use any loud, threatening, abusive or indecent language, nor throw stones or other missiles, or exhibit any show or play any games of chance, or do any obscene or indecent or unlawful act whatsoever upon the park grounds.

7. No cattle, horses, goats, swine, nor poultry of any description will be allowed to stray within or upon the park grounds.

8. No carriage, hack or other vehicle for hire shall stand anywhere within said park for the purpose of soliciting or inviting passengers, except by special permit from the commissioners.

9. Bicycle races upon any of the drives or walks shall not be allowed.

10. The trapping of birds shall not be allowed.

11. Any person or persons violating any of the provisions of this ordinance shall be subject to arrest, and on conviction be punished by a fine of not less than two dollars and fifty cents nor more than ten dollars, and costs, and if such fines and costs shall not be paid shall be imprisoned at least one day for every dollar of such fine and costs that shall remain unpaid. All said fines to be paid to the commissioners of Audubon Park for the benefit of said park.

Penalty. Ib.

That His Honor, the Mayor, be and he is hereby authorized and empowered to receive from the Hon. Joseph N. Hardy, City Treasurer, all the paid City Park notes, secured in their payment by mortgage on the Foucher tract, of which the City or Audubon Park forms part, and to appear before the City Notary with said notes and execute an act of release of mortgage, releasing the mortgages and assumptions of mortgages

City Park
notes.
Ord. No. 3599,
C. S.
March 12, 1839.

on the whole of said Foucher tract, as fully described in an act of sale from the heirs of Foucher to M. A. Southworth and Robert Bloomer, passed before Edward G. Gottschalk, late a notary public in this city, on the 5th day of May, A. D. 1871, also in the city's act of purchase passed before P. C. Cuvillier, late a notary public in this city, on the 15th day of August, 1871, to the extent of the paid notes only; that after having executed said act said notes shall be returned to the custody of the City Treasurer.

SUGAR EXPERIMENTAL STATION.

Terms of agreement between the Commissioners of Audubon Park and the Louisiana Scientific and Agricultural Association for the embellishment of a portion of Audubon Park.
Ord. No. 3529,
C. S.
Feb. 12, 1889.

ART. 1500. (1) A portion of said park, the upper river corner thereof, consisting of about fifty acres of land commencing at the levee or public road and the upper line of the park and running along the upper line thereof to Magazine street, with the ——— lower line extending only so far into the park as not to in any way interfere with Horticultural Hall, the roadway around the same or the trees in the park (the more exact limits to be accurately defined by a sketch or plan), shall be set aside for the location thereon of the Sugar Experimental Station, and for the use and purposes of said association, with the right to obtain its required supply of water from the river in such manner as shall not interfere with public rights and park government. The purposes of said association being understood to be ornamental, botanical, chemical, mechanical and agricultural experiments.

2. In the use of said tract of land by said association, and in the construction of buildings for its purposes, a due and proper regard shall be had for the appearance and interests of the park, so that the whole shall conform, as far as possible, to the pleasure and benefit of the public and the present as well as future embellishment of the park.

3. The whole of said tract of land shall be cultivated or kept in an improved and attractive condition and the structures thereon shall be maintained in proper repair. All the necessary fences around and on said tract or

portion of the park shall be wholly constructed and maintained by the said association, and a fence shall be erected and maintained by said association on the true upper line of the park, instead of where the fence now is, as far as said tract extends along said upper line.

4. No more than ten acres of said tract shall ever be planted in or devoted to cane, including all varieties and kinds, and all land planted in or devoted to cane shall be divided into plots of not more than half an acre in width, with openings and passage ways between said plots of at least fifteen feet width, and the cultivation of and experiments with other plants and products shall be so conducted by said station as will make of said tract, as nearly as possible, a botanical garden, and tend to the education and pleasure of the people.

5. That said tract or portion of the park shall be open to the public, under such rules, regulations and police restrictions as may be deemed necessary and proper by the park commissioners and the executive committee of the Scientific and Agricultural Association, and the said association shall maintain peace and good order among its employees on said park.

6. That in further consideration of the privilege herein granted the said association agrees to take charge and hereby assumes the entire control of Horticultural Hall, subject to such rules and regulations as may be agreed upon by the park commissioners and the executive committee of the association, and said association hereby agrees to contribute annually five hundred dollars to the maintenance and care of Horticultural Hall, plants therein, and grounds and plants within the circle immediately around said hall, and the services of the director and employees of the said station and association shall also be furnished free, and the park commissioners agree, on their part, to appropriate for same purposes, one thousand dollars annually out of any revenue or receipts from private subscriptions (provided the present debt of about one thousand two hundred dollars be first paid). In case of disagreement between the park commissioners and the executive

committee, one arbitrator shall be appointed by the commissioners and one by the executive committee, and the arbitrators so appointed shall select the third, and the difference shall be settled by a majority of said three arbitrators. It is further agreed that the association shall have the right to erect one dwelling and one laboratory upon the location to be selected by the park commissioners, and which buildings shall, at the termination of this agreement, either be removed by the association or taken at a fair appraised valuation by the park commissioners, at the option of the latter.

Provided, further, that equal opportunities shall be afforded city and country youths for the study of the growth of cane, manufacture of sugar and for the enjoyment of the advantages to be derived from the Experiment Station and the laboratory thereof.

7. That said park commissioners shall use their influence in securing from the city authorities proper police protection for the grounds, buildings and property of said association.

8. That the boilers, engine, and other machinery, now located on the said tract of fifty acres, may be used by the said association without compensation until required or called for by the city authorities or by the park commissioners.

9. That the privileges herein granted, subject to the conditions and restrictions stated, shall continue for ten years from the date thereof.

10. That any improvements and buildings that the said association may place upon said tract or portion of this park may be removed by the association at the termination of this agreement.

That all plants, trees, etc., placed in the park shall remain the property of the park after the termination of agreement and privilege.

11. That at the expiration of these privileges the said association shall leave said park and deliver said tract of about fifty acres in a level and clean condition, and of at least the same height it now is, and well fenced

ART. 1501. That the City Surveyor be and he is hereby authorized and directed to do, or have done, such surveying work upon Audubon Park, and to furnish levels, lines, grades, etc., relative thereto as may be from time to time requested of him by the commissioners of Audubon Park and St. Charles avenue.

City Surveyor.
Ord. No. 2677,
C. S.
Dec. 6, 1887.

LOWER CITY PARK.

ART. 1502. (1) That the management and control of the Lower City Park be and is hereby entrusted to the New Orleans City Park Improvement Association.

New Orleans
Park Improve-
ment Associa-
tion entrusted
with park.
Ord. No. 5547,
C. S.
Aug. 25, 1891.

ART. 1503. (2) The said association shall have the full and exclusive power to govern, manage and direct the said park, to lay out and regulate the same, to pass rules and ordinances for the government thereof, not inconsistent with the law of the city ordinances, to elect or appoint such officers and committees as they may deem proper, to prescribe and define their respective duties and authority, to fix the amount of compensation of their employees; provided, that neither the city nor said park be liable therefor, and generally to do all things in regard to the said park tending to the ornamentation and beautifying of the same for the health, pleasure, instruction and enjoyment of the people.

Government,
management
and direction.
Ib.

ART. 1504. (3) The said association is authorized to collect, receive and expend, according to its discretion, for the purposes herein set forth, any and all donations, subscriptions, contributions and funds which may be provided by the Municipal Corporation, the fines, hereinafter provided for, and the rents, revenues and moneys which may be derived from said property entrusted to its management and control, or from the products thereof and privileges granted thereon.

Authority to
collect, receive
and expend
donations.
Ib.

ART. 1505. (4) It shall be lawful for said association, at any meeting thereof duly convened, to pass such rules, regulations and ordinances as they may deem necessary for the government of said park not inconsistent with the ordinances and regulations of the city.

To make rules
and regula-
tions.
Ib.

ART. 1506. (5) All persons offending against or violating any of said rules, regulations and ordinances,

Penalty.
Ib.

shall be deemed guilty of misdemeanor and be punished, on conviction before the Recorder having jurisdiction, by fine not exceeding (\$25) twenty-five dollars, and in default of payment by imprisonment not exceeding (30) thirty days, or both, at the discretion of the Recorder, and the fines collected, as well as any other fines received for violation of any city ordinance within the limits of said park, shall be paid to the association for the benefit of said park.

City Engineer. ART. 1507. (6) All plans and specifications for the improvement to be made by said association shall be submitted to the City Engineer for approval.

Place of public resort. ART. 1508. (7) It is understood that nothing herein shall be construed as in any manner to change the destination of the park as a place of public resort, the use and enjoyment of which shall be open to all, subject only to the police power for the preservation of order and the protection of property rights.

Repealing clause. ART. 1509. (8) All ordinances or parts of ordinances contrary to, in conflict with or upon the same subject matter, are hereby repealed.

ANNUNCIATION PARK.

Board of Commissioners ART. 1510. (1) That the following named persons are appointed commissioners to take charge of Annunciation Park, viz.: C. K. Hall, chairman; I. N. Marks, E. K. Bryant, James D. Hayden, Bernard Klotz, James Jackson, Rev. Thomas Heslin and Wm. Bogel, and to them are granted all the powers given by existing ordinances to the commissioners of other public parks or squares.

BEAUREGARD SQUARE.

Change of name. ART. 1511. (1) That the name of the square now known as the Fillmore Square, in the Fourth District of this city, be changed and be hereafter known and named Beauregard Square.

ART. 1512. That in memory of that distinguished soldier, patriot and citizen, Gen. G. T. Beauregard, and in recognition of his life-long devotion and services to

the State of Louisiana and her people, it is the sense of this Council that the square formerly known as Congo Square, bounded by Rampart, St. Claude, St. Peter and St. Ann streets, shall hereafter be known as Beauregard Square; and the commissioners of said square are hereby requested to join their efforts with those of the Confederate Veteran Associations in securing a suitable monument of General Beauregard and to otherwise beautify said square in a manner befitting so worthy a name.

Change of
name from
Congo Square
to Beauregard
Square.
Ord. No. 7354,
C. S.
March 28, 1893.

ART. 1513. (2) P. O. Fazende, who shall be chairman thereof, and Messrs. Charles Lafitte, H. Gally, Jules C. Denis, Charles E. Schmidt, Leon Joubert, Joseph Bayle, John Glynn, Jr., and Francis Masich.

Board.
Ord. No. 7136,
A. S.

ART. 1514. (2) Said Board of Commissioners shall have the power to organize themselves by the election or appointment of such officers (except as hereinbefore specified) and committees as they may deem proper, and adopt such rules and regulations or by-laws as they may consider useful or necessary; provided, same be not inconsistent with law or city ordinances; they shall have the power to fill vacancies created on the boards by any cause whatsoever.

Organization
of Board.
Ib

ART. 1515. (3) That said Boards of Commissioners and said commissioner for Lafayette Square shall be and are hereby authorized, immediately on the adoption of this ordinance, to assume and undertake the sole and exclusive control, management and supervision of the public squares, respectively, designated as places of public resort for the amusement and recreation of the people.

Power of
Commissioners
Ib.

ART. 1516. (4) The object of this ordinance and the expressed intention of the citizens hereinbefore designated being the improvement of said squares at their own expense or with such other means as they shall themselves provide, through private contribution or otherwise, without cost to the municipal corporation, said commissioner or Board of Commissioners, are hereby specially empowered and authorized to have such work done in said squares, and alterations made, as to them shall seem proper to ornament and beautify same

Exclusive
control.
Ib

and conduce to the pleasure and enjoyment of the people, in their own full and final discretion, without interference on the part of the municipal authorities.

Improvement
of squares.

ART. 1517. Said commissioners are authorized to
Ib. change or remove existing enclosures, railings, benches, etc., if necessary to the work of improvements, as they may design, and dispose of same, the proceeds to be expended in the work of improvement on the respective squares.

Police.

ART. 1518. (5) The municipal government retains
Ib. only the power and duty to properly police said squares, and such special ordinances or measures shall be adopted in this respect as may be necessary to protect the work of the commissioners, and guarantee to the citizens the full and free enjoyment of said squares or public places.

Free access.

ART. 1519. (6) Nothing herein shall be so construed
Ib. as in any manner to change the destination of the squares designated as places of public resort, the enjoyment of which shall be open and common to all, subject only to the police power to preserve order and protect property herein already provided.

CANAL STREET, FROM CLAIBORNE TO METAIRIE ROAD.

Creating
Board of Com-
missioners.
Ord. No. 10,802,
C. S.

May 28, 1895.

ART. 1520. That there be and is hereby created a Board of Commissioners for the improvement of Canal street, from Claiborne street to Metairie road, and that said commissioners be invested with all the necessary powers for the improvement and protection of Canal street that is vested with the Board of Commissioners of St. Charles avenue.

Mayor to ap-
point.

ART. 1521 That the Mayor is hereby empowered to ap-
Ib. point the following-named gentlemen to serve as commissioners who shall manage the affairs of said Canal street, and the said Board of Commissioners are hereby empowered to fill all vacancies on the said board occasioned by death, resignation or removal:

Commissioners

Ib. John Fitzpatrick, M. H. McIlvain, Albert Paul, R. H. A. Mooney, Dr. G. P. Maloney, Albert P. Noll, Adolph Konrad, P. J. Tyrell, Jos. R. Schmide, R. Tan-

neret, Remy Kloeke, Barker Harrison, Geo. Wiegand, L. W. Brown, Walter H. Rogers, R. J. Beltram, Chas. A. Orleans, H. McManus, Peter Blaise, John A. Duffy, Geo. Redersheimer, L. J. McLaughlin, A. Adler Jas. J. Woulfe, Hicky Friedrichs, F. P. Rivet, S. L. Vacarro.

CARROLLTON AVENUE, FROM LEVEE TO GREEN STREET.

ART. 1522. That the Mayor be and he is hereby authorized and directed to appoint thirteen (13) commissioners, who shall be vested with the power of beautifying, ornamenting and improving Carrollton avenue, from the Levee to Green street, Seventh District, and said commissioners are hereby authorized to disburse all moneys donated or otherwise received for this purpose.

Mayor to
appoint Board
of Commissioners.
Ord. No. 9812,
C. S.
June 5, 1894.

CLEVELAND PARK.

ART. 1523. (1) That the neutral ground on Claiborne street, from Canal street to the site upon which is constructed the Claiborne Market, be and the same is hereby set apart as a public park for the enjoyment and use of the public generally, under the exclusive control and supervision of a Board of Commissioners to be appointed by the Mayor.

Boundaries.
Ord. No. 1844,
C. S.
Amended by
Ord. No. 8836,
C. S.
Purpose of.
Under con-
trol of Com-
missioners.

ART. 1524. (2) That for the purpose of beautifying, ornamenting and improving the said park, the Mayor shall appoint a board of fifteen commissioners; said commissioners shall take control of said grounds and make such changes and improvements as they may deem necessary to convert same into a public park; they shall be authorized to make all collections and receive all moneys, and make such contracts as may be necessary for the improvement of the park.

Number of
commissioners.
15.

Powers of.

ART. 1525. (3) That said park shall be known and is hereby designated as Cleveland Park, and this ordinance shall go into effect from and after its passage.

Cleveland
Park.
ib.

ART. 1526. That all of that portion of the neutral ground on Claiborne street, between Common street and Tulane avenue and Julia street, be and is hereby added to the Cleveland Park as originally laid out.

Extending
boundary.
Ord. No. 9836,
C. S.
Oct. 16, 1894.

Additional
Commissioners

ART. 1527. That the Mayor be and is hereby empowered to appoint seven (7) additional persons as park commissioners to serve with those already appointed as park commissioners of Cleveland Park

Repealing Ord.

No. 7916, A
S., and annull-
ing lease of
triangular
piece of
ground cor-
ner Tulane
avenue and
Claiborne.

Ord. No. 10,846,
C. S.

June 4, 1895.

ART. 1528. That Ordinance No. 7916, A. S., be and the same is hereby repealed, and the notarial act evidencing any contract of lease thereunder be revoked and set aside, and the Mayor be authorized and empowered to take such action as may be necessary to carry into effect the purpose of this resolution.

Adding same
to Cleveland
Park.

Ib.

ART. 1529. That the said triangular piece of ground be and is hereby set aside and devoted to public use and made part of the public park, known as the Cleveland Park, and the commissioners of said Cleveland Park are empowered to embellish the same, and to provide rules and regulations for the government and maintenance of the said triangular piece of ground with the balance of said Cleveland Park.

CLAIBORNE STREET, FROM ESPLANADE TO ELYSIAN FIELDS.

Board of Com-
missioners.

Ord No 6345,
C. S.

May 17, 1892.

ART. 1530. (1) That the neutral ground on Claiborne street, from Esplanade to Elysian Fields streets, be placed in charge of a Board of Commissioners to consist of five members, to be appointed hereafter. The purpose of said commissioners being the improvement and beautifying of said neutral ground.

Powers and
authority.

ART. 1531. (2) That said Board of Commissioners shall be invested with the same powers and authority as is conferred upon commissioners appointed under Ordinance 7949, A. S.

ESPLANADE STREET, FROM RIVER TO GALVEZ STREET.

Board of
Commissioners

Ord No 10,000,
C. S.

N. v. 27 1864.

Amended by
Ord. No. 10,237,
C. S.

Feb. 5, 1895.

ART. 1532. That there be and is hereby created a Board of Commissioners to be entrusted with the improvement and embellishment of Esplanade street and neutral ground thereof, from the river to Bayou St. John, and that the said commission is hereby invested with all the necessary powers to improve and embellish said avenue, as well as to replace the decayed and miss-

ing trees on said neutral ground, and to trim and place in shapely condition those now standing thereon.

ART. 1533. That the following named be and are hereby constituted the said Board of Commissioners for the purposes hereinbefore set forth, and are hereby duly authorized to raise by voluntarily subscription the necessary amounts to carry out their designs :

Subscriptions
Ib.

A. L. Tissot, Paul Capdeville, Charles Trumphy, Leon Gibert, Victor J. Botto, O. A. Schneidau, Hypolite Larroussini, L. H. Gardner, E. J. Soniat, Jas. Fahey, J. Numa Augustin, Chas. Claiborne, James Thibaut, P. A. Lelong, John Glynn, Jr., August Salaun, Jr., Gasper Cusachs, D. G. Baldwin, Victor Viosca, Dr. F. Formento, Geo. H. Dunbar, Dr. J. N. Charbonnet.

Commissionees
Ib.

ART. 1534. (3) The commissioners appointed herein to have all of the powers granted to the Board of Commissioners of St. Charles avenue.

Powers.
Ib.

ART. 1535. That the commissioners of Esplanade avenue be and they are hereby authorized to improve, embellish and to transform into a garden-like spot the triangle lot of ground situated at Dupre, Gayosa and Esplanade avenue.

Additional
improvements.
Ord. No. 10,922,
C. S.
June 25, 1895.

ART. 1536. That the City Engineer do furnish such plans and specifications for said purpose to said commissioners whenever so requested by them officially.

SOUTH FRANKLIN STREET, BETWEEN CALLIOPE AND JACKSON STREETS.

ART. 1537. That the Mayor be and is hereby authorized to appoint a Board of Commissioners, to consist of nine members, for the care and beautifying of South Franklin street, between Calliope and Jackson streets.

Board of
Commissioners
Ord. No. 11,078,
C. S.
July 30, 1895.

ART. 1538. That said board shall have the power to establish such police regulations, with the power to enforce same, as will protect said contemplated improvements; provided, such regulations, etc., will not be in conflict with city ordinances or laws governing such matters.

Powers.
Ib.

GENTILLY AVENUE.

Board of
Commissioners
Ord. No. 10,375.
March 5, 1895.

ART. 1539. That there be and is hereby created a Board of Commissioners for the improvement of Gentilly avenue, and that said commissioners be invested with all the necessary powers for the improvement and protection of said Gentilly avenue that is vested with the Board of Commissioners of St. Charles avenue.

Mayor to ap-
point.

That the Mayor is hereby empowered to appoint the following-named gentlemen to serve as commissioners from the membership of Gentilly Avenue Improvement Association, who shall manage the affairs of said avenue; and the said Board of Commissioners are hereby empowered to fill all vacancies occurring on the said board occasioned by death, resignation or removal, upon the recommendation of said Gentilly Avenue Improvement Association:

Commissioners
Ib.

Ant. P. Agnelly, X. Grillot, C. Grillot, A. Hubert, M. Lorenz, E. Reboul, J. P. Schemel, Gus. Seeger, Major E. W. Kelly, F. Tricou, H. Wiedenbroker, Judge J. C. Walker, F. Schaeffer, Jr., Ed Aurianne, Jos. Parnin and L. Fatze.

JACKSON SQUARE.

Board of Com-
missioners.
Ord. No. 7741, a
A. S.
April 11, 1882.

ART. 1540. (1) That there be and is hereby created a Board of Commissioners, to be composed of the following-named gentlemen, to-wit: Joseph Llado, as chairman; Alphonse Baudeau, Charles LeBreton, J. A. Larose, James Thebaut, Charles Perrilliat and John Bonnot, and they are hereby entrusted with the management of said square or park for the purposes and with the powers hereinafter defined, to-wit:

Powers of.
Ib.

ART. 1541. (2) That said Board of Commissioners shall have the power to organize themselves by the election and appointment of such officers (except as hereinbefore specified) and committees as they may deem proper, and adopt such rules and regulations or bylaws as they may consider useful or necessary; provided, the same be not inconsistent with law or city ordinances.

They shall have the power to fill vacancies created by the board for any cause whatever.

ART. 1542. (3) That said Board of Commissioners shall be and are hereby authorized, immediately on the adoption of this ordinance, to assume and undertake the sole and exclusive control, management and supervision of said square or park, designated as a place of resort for the amusement and recreation of the people.

When to assume control.
Ib.

ART. 1543. (4) That the object of this ordinance and the expressed intention of the citizens hereinbefore designated being the improvement of said square or park at their own expense, or with such other means as they shall themselves provide, through private contributions or otherwise, without cost to the municipal corporation, said Board of Commissioners are hereby specially empowered and authorized to have such work done in said square or park, and alterations made, as they shall deem proper to ornament and beautify the same and conduce to the pleasure and enjoyment of the people, in their own full and final discretion, without interference on the part of the municipal authorities. Said commissioners are authorized to change or remove existing enclosures, railings, benches, etc., if necessary to the work of improvements, as they may design, and dispose of the same, the proceeds to be expended in the work of improvement on said square or park.

Object of ordinance.
Ib.

ART. 1544. (5) That the municipal government retains only the power and duty to properly police said square or park, and such special ordinances or measures shall be adopted in this respect as may be necessary to protect the work of the commissioners and guarantee to the citizens the full and free enjoyment of said square or park.

Rights reserved city.
Ib.

ART. 1545. (6) That nothing herein shall be so construed as in any manner to change the designation of said square or park designated as a place of public resort, the enjoyment of which shall be open and common to all, subject only to the police power to preserve order and protect property herein already provided.

Ordinance construed.
Ib.

JAMISON PARK.

Location. ART. 1546. That neutral ground on Howard avenue,
Ord. No. 7728, from Dryades to Baronne street, shall hereafter be
C. S. known as Jamison Place,
Amended by
Ord. No. 10,866,
June 13, 1893.

Mayor to ap- ART. 1547. That the Mayor is hereby authorized to
point commis- appoint nine Commissioners whose duties shall be to
sioners.

Ib. take charge and embellish and beautify the said site,
and who be vested with all powers and rights granted
the commissioners of other parks and squares.

Repealing ART. 1548. That all ordinances or parts of ordinances
clause, in conflict herewith be and the same are hereby repealed.

Electric arm ART. 1549. That the several companies having poles
poles removed
Ord. No. 10,136,
C. S.
Dec. 26, 1894,

known as Jamison Park be and are hereby directed to
have same removed from the park and placed at such
locations on either curb line of the sidewalk on Howard
avenue as will be approved by the City Engineer.

City Engineer ART. 1550. That the City Engineer be and is hereby
Ib. directed to notify the different companies having poles
carrying wires and located as above to cause or have the
said poles removed at once.

JEFFERSON PARK.

Location. ART. 1551. That that portion of the neutral ground at
Ord. No. 9689, the head of Napoleon avenue, between Tchoupitoulas
C. S. and Waters streets, be dedicated as a park, same to be
Sept. 11, 1894. known as Jefferson Park.

Mayor to ap- ART. 1552. That the Mayor be authorized to appoint
point commis- a board of five commissioners to have control of and im-
sioners. prove the Jefferson Park.
Ord. No. 9911,
C. S.
Oct. 30, 1894.

LOUISIANA AVENUE.

Board of Com- ART. 1553. That there be and is hereby created a
missioners. Board of Commissioners to be entrusted with the man-
Ord. No. 9972, agement and control of Louisiana avenue and the neu-
C. S. tral ground thereof, and such further neutral ground as
Nov. 13, 1894. in future may be established thereon, which said board
shall be styled the Board of Commissioners of Louisi-
ana Avenue and Neutral Ground thereof.

ART. 1554. (2) That said Board of Commissioners shall be composed of fifteen (15) persons to be appointed by the Mayor, five of whom shall be appointed for the term of two years; five for the term of four years, and five for the term of six years; and thereafter all appointments on said board shall be for the term of six years; that said commissioners shall receive no compensation; that in case of vacancies, the same shall be filled by the remaining members of the board for the residue of the term then vacant, and all vacancies caused by the expiration of terms of office, or failure or incapacity to qualify, shall be filled by the Mayor.

Terms of ap-
pointment.
1b.

ART. 1555. (3) That said board shall have full and exclusive power to govern, manage and direct the said avenue and neutral ground, and such further neutral ground as in future may be established thereon; to lay out and regulate the same; to pass rules and regulations for the government thereof, not inconsistent with the law or city ordinances; to elect or appoint such officers and committees as they may deem proper; to define and prescribe their respective duties and authority, and the amount of their compensation; provided, that neither the city nor said public property be liable therefor, and generally said board shall be authorized to do all things tending to the ornamentation and embellishment of the same for the health, pleasure, instruction and enjoyment of the public.

Powers of
board.
1b.

ART. 1556. (4) That none of said commissioners shall ever directly or indirectly be in any way interested in any contract or work of any kind whatsoever on said avenue or neutral ground, or privilege granted thereon; and that if the Mayor shall be satisfied that any of the said commissioners shall have violated this provision, after he shall have heard said commissioner, he shall immediately remove the commissioner or commissioners thus offending.

Commission-
ers prohibited
from being in-
terested in con-
tracts.
1b.

ART. 1557. (5) That the said Board of Commissioners be and they are hereby authorized and empowered to collect and receive, and to expend according to their discretion for the purposes herein set forth, all and any

Donations,
etc.
1b.

donations, contributions, subscriptions, funds that may be provided by the municipal corporation, the funds hereinafter provided for, and the revenues and moneys which may be derived from said property entrusted to its management and control, or from the products thereof and the privileges granted thereon.

Unlawful to
place wood,
stone, brick,
etc.

ART. 1558. (6) That it shall be unlawful for any person or persons to place or throw on the neutral ground of Louisiana avenue any wood, stone, brick, lime, cement, asphalt, shells or any other paving or building materials, or rubbish or trash of any kind whatsoever, or any goods of any character. It shall also be unlawful for any person or persons to plant or place on said neutral ground any object or plant of whatsoever kind, whether it be ornamental or otherwise, or to dig into or upturn the earth of said neutral ground, without first obtaining the consent and approval of the Board of Commissioners created by this ordinance. It shall also be unlawful for any person or persons to ride on horseback, or to drive any animal or vehicle, or turn out any cattle, or in any manner feed or exercise the same, on the neutral ground of Louisiana avenue.

Penalty

ART. 1559. (7) That any person or persons violating any of the provisions of the sixth section of this ordinance, or offending against or violating any rule or regulation made by the said Board of Commissioners hereby created, enacted under the authority conferred in section 3 of this ordinance, shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding twenty-five dollars (\$25), or suffer imprisonment for a term of not more than thirty days in default of payment of said fine, said fine or imprisonment to be imposed by the Recorder of the district in which the offence shall be committed, and the fines so imposed and collected, as well as all fines collected for violation of any city ordinance within the limits or upon Louisiana avenue, or the neutral ground thereof, shall be paid one-half to the said Board of Commissioners, to be used for the improvement and embellishment of the said avenue and neutral ground.

ART. 1560. (8) That nothing herein shall be construed as in any manner to interfere with or prohibit the railroads now existing or grants heretofore made from repairing or caring for their tracks, or to relieve them in any manner from any of their obligations to the city of New Orleans.

Not to interfere with railroads.
Ib.

ART. 1561. That all ordinances or parts of ordinances contrary to or in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing clause.

ST. ROCHE AVENUE.

ART. 1562. That the Mayor be and he is hereby directed and authorized to appoint the following-named gentlemen as a Board of Commissioners for the improvement of St. Roche avenue, from St. Claude to Roman streets; said Board of Commissioners to have all the rights, privileges and authority vested in other Boards of Commissioners: Pascal Lamarque, Capt. Jno. J. Williams, Manuel Joachin, John Conrad, John Couchet, B. Weib, W. R. Nixon, Jas. Kennedy, Wm. Neil, George Perry, Paul Dutel, P. A. Carreras, Jas Olliphant, John Kennedy, Peter Scott, Henry Bird, Jos. Bitters, John Ferry, Jos. Lalal, Peter Everett.

Board of Commissioners
Ord. No. 11,525,
C. S.

TRITON WALK.

ART. 1563. (1) That the neutral ground on Triton Walk, from Baronne to Rampart street, be placed in charge of a Board of Commissioners, to be composed of John Boland, Sr., John Boland, Jr., A. J. Ward and J. A. Florat, the purpose of said commissioners being the improvement and beautifying of said neutral ground.

Board of Commissioners
Ord. No. 7910,
A. S.
June 27, 1882.

ART. 1564. (2) That said Board of Commissioners shall be invested with the same powers and authority as conferred upon commissioners appointed under Ordinance No. 7012, A. S.

Powers of.

URSULINES AVENUE.

ART. 1565. That the name of Ursulines street, from Claiborne to Bayou St. John, be changed to Ursulines avenue, and that the management and control of the

Management and control.
Ord. No. 5639,
C. S.
Sept. 29, 1891

said Ursulines avenue be and is hereby entrusted to the Ursulines Avenue Improvement Association, from Clai-borne to Broad street.

ART. 1566. That the following-named persons: Joseph Garcia, Joseph Bernard, John S. Mioton, Fillmore Delaup, Felix Bergeron, Otto T. Maier, Prosper A. Le Blanc, Victor J. Joubert, F. Alcée Allain and Louis P. Deleroix, constituting the Board of Commissioners appointed by said association, be and are hereby duly commissioned as such without pay from the city, for the term of ten years from September 1, 1891, with full power to fill vacancies in their number.

ART. 1567. (2) The said association shall have the full and exclusive power to govern, manage and direct the said Ursulines avenue, to lay out and regulate the same; to pass rules and ordinances for the government thereof not inconsistent with the law or the city ordinances; to elect and appoint such officers and committees as they may deem proper; to prescribe and define their respective duties and authority; to fix the amount of compensation of their employees; provided, that neither the city nor said Ursulines avenue be liable therefor, and generally to do all things in regard to said Ursulines avenue tending to the ornamentation and beautifying of the same for the health, pleasure, instruction and enjoyment of the people.

Revenues.

Ib.

ART. 1568. (3) The said association is authorized to collect, receive and expend, according to its discretion, for the purposes herein set forth, any and all donations, subscriptions, contributions and funds which may be provided by the municipal corporation or otherwise, the fines hereinafter provided for, and the revenues and moneys which may be derived from said property entrusted to its management and control, or from the products thereof and privileges granted thereon.

Rules and regulations.

Ib.

ART. 1569. (4) It shall be lawful for said association, at any meeting thereof duly convened, to pass such rules, regulations and ordinances as they may deem necessary for the government of said Ursulines avenue, not inconsistent with the ordinances and regulations of the city.

ART. 1570. (5) All persons offending against or violating any of said rules, regulations and ordinances, shall be deemed guilty of misdemeanor and punished on conviction before the Recorder having jurisdiction, by fine not exceeding twenty-five (\$25) dollars, and in default of payment by imprisonment not exceeding thirty (30) days, and the fines collected, as well as any other fines received for violation of any city ordinance within the limits of said Ursulines avenue, shall be paid to the association for the benefit of said avenue.

Penalty.
Ib.

ART. 1571. (6) The said association shall have power to plant trees on the said avenue, and it shall be unlawful for any person to destroy, cut, remove or tamper with said trees, in any manner, after once planted, without first the consent of the commissioners of the said association being obtained. It shall also be unlawful for any person or persons to interfere with any one of the employees of said association while discharging their duties under this ordinance.

Trees and
plants.
Ib.

Any person violating this section, upon conviction shall be punished as specified in section 5.

ART. 1572. (7) All plans and specifications for the improvement to be made by said association shall be submitted to the City Engineer for approval.

City Engineer.
Ib.

ART. 1573. (8) It is understood that nothing herein shall be so construed as in any manner to change the destination of said avenue as a place of public drive, the use and enjoyment of which shall be opened to all, subject to the police power for preservation of order and the protection of property and rights.

Public drive.
Ib.

ART. 1574. (9) All ordinances or parts of ordinances contrary to, or in conflict with, or upon the same subject matter, are hereby repealed.

Repealing
clause.

LEE PLACE.

ART. 1575. (1) That the public park in the First District of this city known as Tivoli Circle, be and the same is hereby confided to the charge of the Lee Monumental Association, for the purpose of erecting and maintaining therein a monument to the memory of General

Dedication of
Tivoli Circle.

Robert E. Lee, subject to such police regulations as may be adopted and approved by the City Council; and provided, that the erection of said monument shall begin within one year and be completed within five years from the passage and promulgation of this ordinance.

Lee Monument.

ART. 1576. (2) That said association, through its president or authorized agents, shall have the right to enter upon the ground within the present enclosure and prosecute such works as may be considered necessary for preparing the foundations of the monument, laying out and planting shrubbery, and performing all such work according to plan as may be adopted to carry out the object in view. The association also shall have the right to make such rules with regard to the admission of people within the enclosure during the progress of the work as will not interfere with the prosecution of the same; provided, however, that said rules are not in conflict with the present city laws, or if so, shall be especially approved by the City Council; and provided further, that the property in and about said circle be not disturbed,

Lee Place.

ART. 1577. (3) That the ground within the enclosure to be so improved shall be dedicated to the memory of Gen. Robert E. Lee, and as soon as the work is commenced shall thereafter be known as Lee Place, but the name of the outer street portion shall still be preserved under the designation of Tivoli Circle.

Tivoli Circle

LIBERTY PLACE.

Boundaries.
Ord. No. 8151,
A. S.
Nov 15, 1882.

ART. 1578. (1) That Ordinance No. 8137, A. S., adopted November 9, 1882, be and the same is hereby repealed, and that all that portion of the neutral ground situated on Canal street, between Wells and Delta streets, or as much thereof as may be necessary, to be specifically defined and laid out by the City Surveyor, be and the same is hereby set apart and dedicated by the city of New Orleans, as a public place or site to be known and styled as the Liberty Place, and is to be used exclusively in the erection of a monument in honor of those who fell in defence of civil liberty and home

Duty of Surveyor.

Designation of.

Object.

rule, in that heroic and successful struggle of the 14th of September, 1874.

ART. 1579. (2) That the following-named gentlemen be and are hereby appointed commissioners of said Liberty Place, to-wit: F. N. Ogden, J. Dickson Bruns, John Glynn, Jr., and Frederick G. Freret, they being and composing the original committee of the Fourteenth of September Monument Association, as per their petition of October 31, 1877, on file in the office of the Secretary of the City Council.

Board of
Commissioners
Ib.

ART. 1580. (3) That said commissioners be and are hereby invested with all necessary powers for consummating the objects, purposes and intent of this ordinance.

Powers of.
Ib.

MACARTHY SQUARE.

ART. 1581. That his Honor the Mayor be and is hereby authorized to appoint five commissioners for Macarthy Square, who shall have all the power and authority conferred on commissioners of other squares and parks.

Mayor to ap-
point Commis-
sioners.
Ord. No. 5383,
C. S.
June 9, 1891,

MARGARET PLACE.

ART. 1582. (1) That there be and is hereby created a Board of Commissioners, to be composed of the following-named ladies, to-wit: Mrs. Adam Thomson, chairman; Mrs. Thomas Gilmore, Mrs. Henry Beer, and they are hereby entrusted with the management of said Margaret Place, for the purposes and with the powers hereinafter defined, to-wit:

Board of
Commissioners
Ord. No. 7949,
A. S.
July 18, 1882.

ART. 1583. (2) That said Board of Commissioners shall have the power to organize themselves by the election and appointment of such officers (except as hereinbefore specified) and committees as they may deem proper, and adopt such rules and regulations or by-laws as they may consider useful or necessary; provided, the same be not inconsistent with law or city ordinances. They shall have power to fill vacancies created by the board for any cause whatever.

Power of.
Ib.

ART. 1584. (3) That said Board of Commissioners shall be and are hereby authorized, immediately on the adoption of this ordinance, to assume and undertake the

To assume
control.
Ib.

sole and exclusive control, management and supervision of said square or park, designated as a place of resort for the amusement and recreation of the people.

Object of ordinance.

ART. 1585. (4) That the object of this ordinance and
 1b. the expressed intention of the citizens hereinbefore designated being the improvement of said square or park, at their own expense or with such other means as they shall themselves provide, through private contributions or otherwise, without cost to the municipal corporation, said Board of Commissioners are hereby specially empowered and authorized to have such work done in said square or park, and alterations made as they shall deem proper to ornament and beautify the same and conduce to the pleasure and enjoyment of the people in their own full and final discretion, without interference on the part of the municipal authorities. Said commissioners are authorized to change or remove existing enclosures, railing, benches, etc., if necessary to the work of improvements, as they may design, and dispose of same, the proceeds to be expended in the work of improvement on said square or park.

Rights reserved city.

ART. 1586. (5) That the municipal government retains only the power and duty to properly police said square or park, and such special ordinances or measures shall be adopted in this respect as may be necessary to protect the work of the commissioners and guarantee to the citizens the full and free enjoyment of said square or park.

How constructed.

ART. 1587. (6) That nothing herein shall be so construed as in any manner to change the designation of said square or park, designated as a place of public resort, the enjoyment of which shall be open and common to all, subject only to the police power to preserve order and protect property herein already provided.

Enclosure of banquettes.

Ord. No. 8132, A. S.

Nov. 10, 1892.

Construction of walks.

ART. 1588. (1). That the commissioners of Margaret Place are hereby authorized to enclose the surrounding banquettes, and to make them a part of said place; provided, that suitable walks be constructed through said place for the convenience of the public.

ART. 1589. That so much of that portion of ground

as is between the continuation of the line of old Camp street and that of new Camp street, as described and set forth on a plan drawn by the City Surveyor, dated — —, — —, and now on file in his office, be and is hereby granted to the commissioners of Margaret Place and shall form part of Margaret Place.

Additional
grant.
Ord. No. 16,
C. S.
Dec. 12, 1882.

ART. 1590. All lines and grades appertaining to said portion of ground shall be established and furnished by the City Surveyor.

ART. 1591. (1) That for the purpose of adding to the usefulness of Margaret Place, as well as enhancing its beauty and enlarging its area for the recreation and pleasure of its visitors, that portion of ground embraced between the line of curb on the east side of the park and a line 45 feet 9 inches from the east property line on Camp street, between Calliope and Clio streets, be and the same is hereby declared a part and parcel of said Margaret Park or place, and the same is hereby dedicated by the city for that purpose.

Additions to
Margaret
Place.
Ord. No. 1655,
C. S.
Feb. 16, 1886.

ART. 1592. (2) That Ordinance No. 16, C. S., defining the limits of Margaret Place, is hereby altered and amended so as to conform herewith, and the map or plan of City Surveyor, marked A attached hereto, be approved and filed as of record.

Board of Com-
missioners.
Ord. No. 10,845,
C. S.
June 4, 1895.

ART. 1593. (3) That all ordinances in conflict herewith be repealed.

METAIRIE PARK.

ART. 1594. That the Board of Directors of the Metairie Cemetery Association is hereby constituted Commissioners of the Metairie Park, and, as such, is hereby instructed and vested with the exclusive power of government, management, direction and control of the said approaches of the new bridge over the New Canal, for a distance of three hundred feet each way from said bridge and a width upon each side of said canal to the extent of the property of the said New Basin Canal and Shell Road, all in accordance with said agreement and as per plan hereinafter mentioned; and for the purpose of such management and control said park commissioners

Boundary.

Powers.

Improvements. shall have power to adopt such rules and regulations as
 Ib. in its judgment may be necessary for the protection of
 said approaches from injury or vandalism.

Unlawful to throw or place wood, stone, etc. ART. 1595. That the improvements herein contemplated shall be at the sole expense of said park commissioners, plans of which shall first be submitted to the

Ib. Council for approval. Said commissioners shall not receive any compensation from the city of New Orleans.

ART. 1596. That it shall be unlawful for any person or persons to place or throw on said approaches to said new bridge, any wood, stone, brick, lime, cement, asphalt, shells or any other paving or building material, or rubbish or trash of any kind whatsoever. It shall also be unlawful for any person or persons to plant or place on said approaches any object or plant of whatsoever kind or character, whether ornamental or otherwise, or to dig into, or to upturn the earth of said approaches, or in any manner to infringe or violate any of the rules and regulations of said park commissioners in reference to said approaches, without first obtaining the consent and approval of said park commissioners.

Penalty, Ib. ART. 1597. That any person or persons violating any of the foregoing provisions of this ordinance shall be deemed guilty of a misdemeanor, and be punished, on conviction, by a fine not exceeding twenty-five dollars for each offence, or, in default of payment, by imprisonment not exceeding thirty days; said fine or imprisonment to be imposed by the Recorder of the district in which said offence shall have been committed.

Repealing clause. ART. 1598. That all ordinances or parts of ordinances contrary to or in conflict with this ordinance be and the same are hereby repealed.

MORRIS PARK.

Changing name from Douglas. ART. 1599. That the square formerly known as "Douglas Square," bounded by Washington avenue, Third, Freret and Howard avenue or St. George street, shall hereafter be known as Morris Park.
 Ord. No. 7456,
 C. S.
 April 18, 1893.

NAPOLEON AVENUE.

ART. 1600. Creating a board of nine (9) commissioners for the improvement of Napoleon avenue from Tchoupitoulas to Claiborne streets.

Board of Commissioners.
Ord. No. 9782.
C. S.
Oct. 2, 1894.

ART. 1601. That Ordinance No. 9872, C. S., an ordinance creating a Board of Commissioners for Napoleon avenue be and the same is hereby amended to confer upon the commissioners appointed under said ordinance the same power as given to the Board of Commissioners of St. Charles avenue, as contained in Ordinance No. 8927, C. S.

Powers.
Ord. No. 10,926,
C. S.
June 25, 1895,

NEWMAN PARK.

WHEREAS, Mr. Charles Newman and neighbors offer to make a donation pure and simple and irrevocable unto the city of New Orleans of a portion of ground forming the triangle designated by the No. 206, bounded by Prytania, Urania and Felicity streets, and measuring 21 feet front on Prytania street by a depth of 81 feet on one side and of 85 feet on the other, all more or less, on the condition that the same be forever kept and dedicated to the uses of the public as a square or park.

ART. 1602. That the donation of said portion of ground is hereby formally accepted under said condition, and the City Notary is hereby instructed and directed to prepare the act necessary to transfer the ownership of the same to the city, and his Honor the Mayor is authorized and requested to appear in said act to accept the donation in behalf of the city.

Donations accepted.
Ord. No. 7043,
C. S.
Dec. 27, 1893.

ART. 1603. That said portion of ground be and the same is hereby dedicated for said purpose, and shall hereafter be known as Newman Park.

Ground dedicated.
Ord. No. 8634,
C. S.
Jan. 23, 1891.

ART. 1604. That the Mayor be and he is hereby authorized and directed to appoint five commissioners, who shall be vested with the power of beautifying, ornamenting and improving said park, and said commissioners are hereby authorized to disburse all moneys donated or otherwise received for this purpose.

Mayor to appoint Commissioners.
1b.

ORLEANS AVENUE.

Orleans ave.,
between St.
Claude and
Marais streets.
Commissioner
of the Place
d'Armes to as-
sume control
of.

ART. 1605. (1) That the Board of Commissioners of the Place d' Armes Square, in the Second District of this city, be and is hereby authorized to assume and undertake the sole and exclusive control, management and supervision of the Orleans avenue, between St. Claude and Marais streets, for the purpose of improving said avenue.

Ord. No. 550,
C. S.
Jan. 15, 1884.

Said work to be done under the supervision of the Commissioner of Public Works and City Surveyor, and revocable at the pleasure of the Council.

PARKERSON PLACE.

Dedicating
park.

ART. 1606. That tangible evidence of same be given by transforming the neutral ground of Terpsichore street, between Prytania and Coliseum streets, into an ornamental park, to be called Parkerson Place, in honor of the able leader of the above-named organization, and that the Commissioner of Public Works be requested and instructed to execute and provide for the same.

Mayor to ap-
point Commis-
sioners.
Ord. No. 5219,
C. S.
April 14, 1891.

ART. 1607. That the Mayor be and he is hereby authorized and empowered to appoint a commission of five citizens to supervise the work of beautifying and ornamenting Parkerson Place.

ST. CHARLES AVENUE.

Board of Com-
missioners.
Ord. No. 6222,
C. S.
April 5, 1892.

ART. 1608. That there be and is hereby created a Board of Commissioners, to be entrusted with the management and control of said St. Charles avenue and the said neutral ground thereof, to be named and styled the Board of Commissioners of St. Charles Avenue and Neutral Ground thereof.

Term of office.
Ib.

ART. 1609. (2) That the said Board of Commissioners shall be composed of fifteen persons to be appointed by the Mayor, five of whom shall be appointed for the term of two years, five for the term of four years and five for the term of six years; and thereafter all appointments on said board shall be for the term of six

years; that said commissioners shall receive no compensation as commissioners; that in case of vacancy the same shall be filled by the remaining members of the board for the residue of the term then vacant, and all vacancies caused by the expiration of terms of office, or neglect, or incapacity of qualification, or otherwise, shall be filled by the Mayor.

ART. 1610. (3) That said board shall have full and exclusive power to govern, manage and direct the said avenue and neutral ground; to lay out and regulate the same; to pass rules and regulations for the government thereof, not inconsistent with the law or city ordinances; to elect or appoint such officers and committees as they may deem proper; to describe and define their respective duties and authority, and the amount of their compensation; provided, that neither the city nor said public property be liable therefor, and generally to do all things in regard to said St. Charles avenue and neutral ground to the ornamentation and beautifying of the same for the health, pleasure, instruction and enjoyment of the people.

Powers and
duties. Ib.

ART. 1611. (4) That the said commissioners, nor any of them, shall ever directly or indirectly be in any way interested in any contract or work of any kind whatsoever, connected with said avenue or neutral ground, or privilege granted thereon; and that if the Mayor shall be satisfied that any of said commissioners shall have violated this provision, after he shall have heard said commissioner in regard thereto, he shall immediately remove the commissioner or commissioners thus offending.

Interest in con-
tracts pro-
hibited. Ib.

ART. 1612. (5) That the said Board of Commissioners be and they are hereby authorized and empowered to collect, receive, and expend, according to their discretion, for the purposes herein set forth, all and any donations, contributions, subscriptions, funds which may be provided by the municipal corporation, the funds hereinafter provided for and the revenues and moneys which may be derived from said property entrusted to its management and control, or from the products thereof and privileges granted thereon.

Revenues. Ib.

Penalties.

1b. ART. 1613. (6) That all persons offending against or violating any rule or regulation passed by said Board of Commissioners, as set out in section 3 of this ordinance, shall be deemed guilty of a misdemeanor, and be punished, on conviction before the Mayor, Recorder, or any magistrate, by a fine not exceeding twenty-five dollars, and in default of payment by imprisonment not exceeding thirty days, and the fine collected, as well as all fines collected for the violation of any city ordinance within the limits or upon St. Charles avenue and neutral ground, shall be paid to the said Board of Commissioners to be used for the said St. Charles avenue and neutral ground.

Control to
revert to Board
of Commission-
ers of Audubon
Park.

1b. ART. 1614. (7) That should from any cause whatsoever said Board of Commissioners fail to qualify or relinquish the control of or neglect to care for said St. Charles avenue and neutral ground, the supervision and control thereof shall of right revert to the Board of Commissioners of Audubon Park, as originally set out in Ordinance No. 5639, Council Series, and all powers and rights therein set out shall be revived.

Unlawful to
throw or place
rubbish, etc.
Ord. No. 8921,
C. S.
March 27, 1894

ART. 1615. That it shall be unlawful for any person or persons to place or throw on neutral ground or St. Charles avenue any wood, stone, brick, lime cement, asphalt, shells, or any other paving or building material, or rubbish, or trash of any kind whatsoever. It shall also be unlawful for any person or persons to plant or place on said neutral ground any object or plant of whatsoever kind or character, whether it be ornamental or otherwise, or to dig into or upturn the earth of said neutral ground, without first obtaining the consent and approval of the Board of Commissioners of St. Charles avenue.

Penalty.

1b. ART. 1616. That any person or persons violating any of the foregoing provisions of this ordinance shall be deemed guilty of a misdemeanor, punishable by a fine of not more than twenty-five dollars or suffer imprisonment for a term of not more than thirty days in default of payment of said fine, said fine or imprisonment to be imposed by the Recorder of the district in which the

offence shall be committed, and the fine so imposed and collected, as well as all fines collected for violation of any city ordinance effecting said St. Charles avenue and neutral ground, shall be paid one-half to the Board of Commissioners of said St. Charles avenue, to be used for the avenue and neutral ground.

ART. 1617. That nothing herein shall be construed as in any manner to interfere with or prohibit the New Orleans and Carrollton Railroad Company from repairing or caring for their tracks, or to relieve them in any manner from any of their obligations to the city of New Orleans.

Not to prohibit repairs by Carrollton R. R. Co.

ART. 1618. That all ordinances or parts of ordinances contrary to or in conflict with this ordinance be and the same are hereby repealed.

Repealing clause. Ib.

SUGAR EXCHANGE PARK.

ART. 1619. (1) That the space between Bienville, Delta and Front streets be and the same is hereby designated as a public park, to be known as the Sugar Exchange Park, and that the management and improvement of the same be entrusted to persons to be appointed by the Mayor.

Boundaries. Ord. No. 412, C. S. Aug. 21, 1883.

Board of Commissioners.

ART. 1620. (2) That said Board of Commissioners shall have power to organize themselves by the election and appointment of such officers and committees as they may deem proper, and adopt such rules and regulations or by-laws as they may deem necessary; provided, same be not inconsistent with law or city ordinances, the object being the improvement of said square at their, or by private subscription or otherwise, without cost to the city; and to that end to have such work done as to them shall seem proper, to ornament and beautify same and conduce to the pleasure and enjoyment of the people, as more fully provided for in Ordinance No. 7012, relative to the improvement of public parks, squares, etc.

Powers of. Ib.

ART. 1621. (3) That the improvements of said park be commenced within thirty (30) days after the promulgation of this ordinance, otherwise forfeiture of this privilege

Forfeiture of privilege. Ib.

TULANE PARK.

Boundaries.
Ord. No. 744,
C. S.
June 3, 1884.

ART. 1622. That the triangular steep of ground, formed by the junction of Banks and Common streets and running from Galvez street to a point at or near the corner of Prieur street, be and the same is hereby appropriated for a public park, to be maintained without expense to the city, and under the exclusive direction of the following commissioners: Sister Mary Carroll, John Douglass, Patrick Glennon, John T. Gibson, John McCaffrey, Peter Blaise and C. C. Hartwell; said commissioners to be empowered to beautify and adorn said park agreeable to their tastes and by contributions from the citizens of that section; said park to be used as a public resort for recreation or amusement; provided, that nothing shall be placed therein in contravention of existing ordinances.

Commission-
ers, powers of.

Lines and
levels.

ART. 1623. (2) That lines and levels and such plans shall be supplied said commissioners by the City Surveyor as may be found necessary for the carrying into effect the objects herein set forth, to establish and embellish the plat of ground hereinbefore mentioned.

ART. 1624. (3) That this resolution shall take full force and effect from and after its passage.

Amending Ord.,
No. 744, C. S.
Ord. No. 10,056,
C. S.
Dec. 4, 1894.

ART. 1625. That Ordinance No. 744, being an ordinance creating and establishing the public park known as the Tulane Park, situated at the intersection of Tulane avenue, Banks, Johnson and Galvez streets, be and is hereby amended for the following reasons: First, that no provisions are made in said Ordinance No. 744 to fill any vacancies that may occur on the Board of Commissioners who have control of the said park; second, there is now vacancies existing on said board.

Appointment
of commission-
ers.

Ib.

ART. 1626. That Ordinance No. 744 be and is hereby amended by striking out in line 6 of said ordinance all after the words "public park" up to and including the words "C. C. Hartwell" in line 12 of said ordinance, and insert in lieu thereof the following: "And the Mayor is hereby empowered to appoint and commission the following named persons to serve as commissioners

of the said park who shall have sole control and management of the affairs of the said park, and the said Board of Commissioners is hereby empowered to fill all vacancies occurring on the said board occasioned by death, resignation or removal from the ward in which the park is situated: John T. Gibbons, C. C. Hartwell, Peter Blaise, Thomas Douglas, John Koepfer, Wm. Purnell, James Triay, Jos. J. Owens, Thomas Higgins, Anthony Whalen, Steven Cain, Thomas Connelly, William Cummings, Robert W. Norton, Frank Cullen, Patrick Crane, J. Werling, James Mullen, M. G. Leeney, Jas. B. Keenan, James McCormick, Stephen J. Memory, B. Estalotte, Thos. Casserly, Paul Ryder.

ART. 1627. That the plan of the enlargement and improvement of Tulane Park, submitted by the City Engineer, extending the limits of the park from Johnson street to a point where Banks street and Tulane avenue intersect, be and the same is hereby approved and the same be made a part of the said Tulane Park.

Plans approved.
Ord. No. 10,201,
C. S.
Feb. 5, 1895.

SQUARES.

ART. 1628. (1) That there be and is hereby created a Board of Commissioners, respectively, for each of the following-named squares or parks, to be entrusted with management of said parks, for the purposes and with the powers hereinafter defined, to-wit:

Board of
Commissioners
Ord. No. 7012,
A. S.

COLISEUM SQUARE.

(a) W. B. Schmidt, Esq., who shall be chairman thereof, and Messrs. John T. Moore, Jr., Edward Toby, B. W. Taylor, Hon. P. Mealey, Richard Charles and Henry Renshaw.

WASHINGTON SQUARE.

(b) Peter M. Peterson, Esq., who shall be chairman thereof, and Messrs. G. A. Lanaux, John Paisley, Hon. E. Bermudez, J. A. Hincks, David Hughes, Charles Lacoume, Ernest C. Villere, W. C. C. Claiborne, Jr., B. Laplace, P. McPride, Charles L. Frantz, A. Schuler and J. A. Chalaron.

LAFAYETTE SQUARE.

(c) That Frank T. Howard, Esq., is hereby appointed and constituted sole commissioner for Lafayette Square.

Franklin
statue.

ART. 1629. (1) That the proposal of C. A. Weed, Esq., to present to the city the statue of Benjamin Franklin by Hiram Powers, be accepted, and that a suitable pedestal, according to the plan and estimate presented, be erected in the centre of Lafayette Square under the direction of the City Surveyor.

Protection of
monument and
geodetic block.

ART. 1630. (1) That the marble monument (Franklin statue) and granite block in Lafayette square, lately erected by the United States Coast and Geodetic Survey, be and is hereby recognized as being under the special care and protection of this city, and all persons are forbidden to deface or injure the same in any manner, under the penalty of the law protecting buildings, and the Chief of Police is charged with the protection of said monument and stone block, and that they shall not, under any circumstances, be used for other than scientific purposes.

ST. BERNARD SQUARE.

Commissioners
Ib.

ART. 1631. (1) A. Sambola, Fred. Nay, E. Pujol, P. Clapp and N. Burg.

DECISIONS.

Right to use of whole width of the avenue. 15 An. 9.

Property dedicated to public use is *hors de commerce*, and donors can no longer claim ownership. 21 An. 244.

A municipal corporation may alienate or change the use and destination of public places, when authorized to do so by the Legislature, in view of the public interest. 34 An. 1090.

PASSAGE WAYS—See BUILDINGS.

PAUPERS—See VAGRANTS.

Each parish must support its own infirm, sick and disabled paupers. Act 42 of 1880, p. 42. New Orleans must provide for the removal and burial of its dead paupers. Act 157 of 1874, p. 17.

PAVEMENTS—See STREETS.

 PEDDLERS.

PEDDLING AT RAILROADS—See *Railroads and Offences*. AT MARKETS—See *Markets*. FROM VEHICLES—See *Offences*. ENTERING PREMISES—See *Offences*.

Ord. No. 4933, C. S., repealed by Ord. No. 5181, C. S.

PERMITS—See BUILDINGS, FORGES, LANDS AND LEVEES, PRIVILEGES, STREETS AND WHARVES.

 PETROLEUM.—See COMBUSTIBLES.

PICKERIES AND COTTON PRESSES.

ART. 1632. (1) It shall not be lawful for any person or persons, without the permission of the Common Council, to erect within the limits of the city any building for a cotton press or cotton pickery, or to use any building or lot for that purpose, under the penalty of a fine of not less than ten dollars nor more than twenty-five dollars for each day that such building or lot shall be used in violation of this ordinance.

Not lawful to erect.
O. S. 3150.
Dec. 1856.

PIGEONS.—See ANIMALS AND BIRDS.

 PILOTS.

See Act No. 56 of 1864, p. 162.

See Act No. 113 of 1857, p. 88.

See Act No. 99 of 1858, p. 69.

See Act No. — of 1859, pp. 3, 56.

See Act No. 19 of 1864, p. 32.

See Act No. 63 of 1877, E. S., p. 103.

See Act No. 99 of 1880, p. 126.

See Act No. 11 of 1890, p. 9.

See HARBOR MASTERS.

See MASTER AND WARDENS.

DECISIONS.

Williams vs. Payson, 14 An., p. 7.

State *ex rel.* Williamson vs. Judge, 36 An., p. 24.

PIPES AND CONNECTIONS.

PRIVILEGES.

- Ord. 3078. American Cotton Oil Company, pipe across street Enghien and Decatur streets, February 19, 1888.
- Ord. 3476. American White Lead and Color Works Company, supply pipe from works on Tchoupitoulas between Jackson and Philip streets, January 15, 1889.
- Ord. 4132. American Fatty Product Manufacturing Company, pipe across North Peters street, from its factory, corner Peters and Port streets, to a point alongside railroad tracks, to draw oil from tank car on said tracks, November 30, 1889.
- Ord. 6052. American Brewing Association, 8-inch pipe from brewery, Conti, between Royal and Bourbon streets, to Conti, to river, February 12, 1892.
- Ord. 7229. American Brewing Company, 3-inch pipe across Bienville street, from tank in property of the company on Conti street to the bottling works located on Bienville street, March 23, 1893.
- Ord. 9652. Algiers Iron Works, to run 2- $\frac{1}{2}$ inch pipe from their works from the head of Levergne street, Fifth District, to the Mississippi river, September 7, 1894.
- Ord. 9837. Anheuser-Busch Brewing Company, to run two 6-inch pipes from their property on Gravier and Delta streets to the river for the purpose of suction and discharge, October 18, 1894.
- Ord. 10,831. Alden Knitting Mills of New Orleans, to lay pipes from its property on Decatur to Mandeville street, to the Mississippi river, for the purpose of water supply and discharge of sewerage, June 7, 1895.
- Ord. 3832. Brooks, Samuel, six-inch pipe from premises, corner S. Peters and Celeste to Mississippi river for supply, July 1, 1889.
- Ord. 4980. Boston Club, sewer pipe from club house on Canal street to connect with sewer pipe of the St. Charles Hotel; repealing Ord. 4612, C. S., December 27, 1890.
- Ord. 5548. Blake, William, and associates, 12-inch sewer pipe from square bounded by Lee Circle, St. Charles avenue, Calliope, Carondelet and Howard avenue, through Calliope and Delord streets, to the river, August 29, 1891.
- Ord. 5922. Brooklyn Cooperage Company, pipes from factory in square bounded by Erato, Thalia, Front and Peters streets, to the Mississippi river, January 9, 1892.
- Ord. 7305. Berwick Lumber Company, supply pipe from their factory on Clio street, lower side, corner Freret street, to Basin, March 16, 1893.

- Ord. 10,121. Brooks, W. H. D., an overhead two (2) inch pipe from his building, corner Celeste and St. Peters streets, to connect with cars on the Belt Railroad for the purpose of drawing oil from cars, December 24, 1894.
- Ord. 3437. Commercial Soap, Candle and Starch Manufacturing Company, Limited, supply and discharge pipes to river, December 26, 1888.
- Ord. 5536. Cogswell, T. R., pipes to the river, August 22, 1891.
- Ord. 5921. Crescent City Ice Company, pipes from factory on Front street, through Lafayette street, and on Decatur street, through Marigny street to the Mississippi river, January 9, 1892.
- Ord. 6174. Central Lumber Manufacturing Company, 2-inch (2) pipe from factory on Delord street, corner Dryades street, to head of New Basin, across Rampart street, March 24, 1892.
- Ord. 6919. Crescent City Yarn and Knitting Mills, six (6) inch pipe from factory, corner St. Ferdinand and Decatur streets to the Mississippi river, November 11, 1892.
- Ord. 7112. Chalmette Steam Laundry Company, six (6) inch pipe from their works, corner Lafayette and Fourcher streets, to the river, January 19, 1893.
- Ord. 7625. Crescent City Rice Milling Company, from their premises to river, May 25, 1893.
- Ord. 7139. Desina, Mrs. C., seven (7) inch pipe on Bourbon from intersection of Customhouse street, to rear of her property, to connect with seven-inch pipe of D. H. Holmes, January 26, 1893.
- Ord. 9532. Dunbar & Bros., to lay pipe across Peters street and over the Levee, connecting their factory with the Mississippi river, August 9, 1894.
- Ord. 10,024. Fabacher, P., three (3) inch pipe on Eighth street from Tchoupitoulas to the Mississippi river, December 3, 1894.
- Ord. 7328. Godchaux, Leon, four (4) inch pipe on Chartres from the intersection of Customhouse street to rear of his property, connecting with seven-inch pipe of D. H. Holmes, March 20, 1893.
- Ord. 3939. Haspel & Davis, from their premises 47 and 48 N. Peters street to the river, August 30, 1889.
- Ord. 5013. Holmes, D. H., sewer pipe from store on Customhouse street, down Customhouse street to the river, January 9, 1891.
- Ord. 6302. Home Brewing Company, from premises in square bounded by N. Peters, Jeanna, Chartres and Pauline streets to the river, April 23, 1892.
- Ord. 6899. Henderson, Wm., six (6) inch pipe from his refinery, Girod and Peters streets, to the river, November 3, 1892.
- Ord. 7398. Henderson, Wm., two sixteen inch pipes, suction and discharge on Notre Dame street, from his property in square bounded by Julia, Notre Dame and Commerce streets to the river, April 5, 1893.
- Amended by Ord. 7589, C. S.

- Ord. 7426. Hotel Dieu, to lay pipe across Johnson street to cesspool on their property, corner Johnson and Tulane avenue, April 24, 1893.
- Ord. 7116. Illinois Central Railroad, sewerage pipe from square bounded by Front, Pilie, Erato and Galennie streets to river, January 19, 1893.
- Ord. 4838. Jackson Brewing Company, suction pipes from brewery in square bounded by Clay, Jackson, Old Levee and Peters streets to the river, November 10, 1890.
- Ord. 6402. Jackson Brewing Company, from brewery to the river, July 4, 1892.
- Ord. 7800. Jahnke, Fritz, two inch pipe from his yard, fronting on South Peters street, between Washington and Sixth street, to the river, July 7, 1893.
- Ord. 8533. Jones, M. N., one and a quarter inch pipe from corner Peters and Emma streets to the river, January 6, 1894.
- Ord. 11,714. Jackson Steam Laundry, the privilege granted to New Orleans Vinegar Company, Limited, to lay a pipe to the river, is granted under the same terms and conditions to the Jackson Steam Laundry, Limited, December 24, 1895.
- Ord. 6197. Keller, J. H., soap works, six (6) inch water and supply pipe on Josephine, from Howard to Claiborne street, to his works, March 31, 1892.
- Ord. 6357. Keith, Peter, two pipes from factory, corner Fourth and Water streets, to the river, May 26, 1892.
- Ord. 3090. Louisiana Retreat, four-inch pipe to the river for water supply, July 27, 1888.
- Ord. 3868. Louisiana Sugar Refinery Company, pipe under sidewalks, between their works and the Planters' Sugar Refinery on Clay street, July 6, 1889.
- Ord. 4495. Lyons, I. L., to connect sewer pipe of Board of Trade, Ltd., as per Ordinance 4317, C. S., May 10, 1890.
- Ord. 4557. Louisiana Furniture Company, four-inch supply pipe through levee for their factory on river front, June 7, 1890.
- Ord. 8185. Louisiana Alcohol Company, two (2) eight (8) inch pipes from their works located corner St. Joseph and St. Peter streets, along St. Joseph street to the river or to Water street, thence through Water to Calliope street, thence through Water street to the Mississippi river, October 19, 1893.
- Ord. 2900. Lafayette Brewing Company, from brewery to the river, April 2, 1889.
- Ord. 3203. Maginnis Oil and Soap Works, pipe on Commerce street from their mills to and across St. Joseph street, to connect with Belt Railroad, September 25, 1888.
- Ord. 5388. Munnoh, T. J., water pipe across Joseph street square bounded by Water, Joseph, Tchoupitoulas and Octavia streets, July 3, 1891.

- Ord. 6048. Manion & Co., from property of Geo. Sick, in square bounded by Decatur, Gallatin, Hospital and Barracks streets, across Gallatin street, through Mr. Sick's property to North Peters street, across North Peters street and batture to the river, February 12, 1892.
- Ord. 6859. Moll, Jno. G., Jr., to lay pipe from premises, in square bounded by New Levee, Water, Sixth and Seventh streets to river, October 29, 1892.
- Ord. 10,876. Maille, Joseph, to lay pipe lines along and under all streets, avenues, alleys and public places in the city for refrigeration, preservation, fire protection, and for such other purposes as may be desired, June 18, 1895.
- Ord. 4347. N. O. Board of Trade, Limited, sewer pipes from their property known as Vonderbank Hotel and their Exchange building, to certain streets to the river, March 7, 1890.
- Ord. 4774. N. O. Brewing Association, from Pelican Brewery, corner N. Peters street, August 10, 1890.
- Ord. 6692. N. O. & Carrollton R. R. Co., six (6) inch pipe from their power-house to the river, September 9, 1892.
- Ord. 6758. National Rice Milling Co., six (6) inch pipe from their warehouse corner Montegut and Levee streets, across Levee street to the river, September 30, 1892.
- Ord. 6854. New York Steam Dye Works, from the river to their Works, corner Patterson and Olivia streets, adjoining McLellan Dry Dock, October 29, 1892.
- Ord. 9966. N. O. Brewing Association, a six (6) inch drain pipe across Jackson avenue from the Louisiana Brewery, from the gutter on south side of Jackson street to gutter on north side through which to drain the water of brewery. November 17, 1894.
- Ord. 1,1196. National Rice Mill Co., 18-inch pipe from their works, Elysian Fields and Peters streets, along and across Elysian Fields to Peters street, down Peters street to Magazine to the Mississippi river. Also all pavements torn up or disturbed to be repaired at their expense to the satisfaction of the Commissioner of Public Works. Permission from the N. O. Levee Board to be obtained, August 27, 1895.
- Ord. 6252. Old Basin Sash, Door and Blind Factory, to connect boilers in square bounded by St. Louis, Treme, Toulouse and Marais streets with engines in square bounded by Treme, Marais, Toulouse and Carondelet Walk, April 1, 1892.
- Ord. 7242. Orleans Manufacturing Lumber Co., water main on Clara and Willow streets, between Julia and Cypress, adjoining on Julia from Clara to Willow, and to connect pumping station with Basin, March 11, 1893.
- Ord. 2859. Pelican Brewing Company, from brewery to the river, March 18, 1888.

- Ord. 4120. Planters' Sugar Refining Company, water and waste pipes to river from refinery in square bounded by Clay, St. Louis, Decatur and Toulouse streets, November 20, 1889.
- Ord. 6112. People's Slaughterhouse and Refrigerating Company, from their premises across North Peters street to the river, March 19, 1892.
- Ord. 3962. Rotge Jean, iron pipe from premises on Alexander, between Conti and St. Louis streets, to Carrollton Avenue Canal, September 6, 1889.
- Ord. 6893. Rosetta Gravel, Paving and Improvement Company, to lay pipes from artesian wells through streets and public places of the city for sprinkling purposes, November 3, 1892.
- Ord. 8346. Ruger Vinegar Works, from their works corner Magazine and North Peters street to the river, November 24, 1893.
- Ord. 2926. Schroeder, Wm., from his property on Holly Grove street, on Upperline of Carrollton to the Tenth Street Canal, for drainage, May 7, 1888.
- Ord. 3038. Schwartz, Louis, pipe from Tchoupitoulas to river, July 7, 1888.
- Ord. 4311. Sorolo, A., two water pipes from his rice mill, Old Levee, Clay, Toulouse and Jefferson streets, to the river, February 24, 1890.
- Ord. 5366. Solari, J. B., sewer pipes to existing sewer pipes to Customhouse street, June 11, 1891.
- Ord. 6048. Sieks, Geo., from his property in square bounded by Decatur, Gallatin, Hospital and Barracks streets, across Gallatin, through his property to North Peters street, across North Peters batture to river, February 12, 1882.
- Ord. 8125. Sauer, Fred., Jr., two-inch pipe across Levee street, at Ninth street, to the river, October 5, 1893.
- Ord. 9155. Schroeder, J. B., to lay four-inch pipes from his property in square bounded by Independence, Royal, Dauphine and Pauline streets, to the river, for supplying water, May 15, 1894.
- Ord. 10,597. Seward, A. H., sewer pipe from Hotel Denechaud to connect with sewer pipe of Board of Trade in front of Masonic Building, April 18, 1895.
- Ord. 6840. Ursuline Nuns, to extend sewer pipe from Ursuline Convent to the river, October 20, 1892.
- Ord. 10,506. Weis, Julius, a sewer pipe from his property in square bounded by Baronne, Carondelet, Varieties alley and Gravier streets; down Varieties alley, from a point in the rear of the Denegre Building, to Gravier street; down Gravier to a point at or about the intersection of Gravier and St. Charles streets, and then to connect with existing sewer pipe of the Board of Trade, or its connecting pipes; said pipes to be furnished with Y branches at its ends on Varieties alley.

POISONS.

ART. 1633. No person shall sell or offer for sale any poisonous drugs, medicines or chemicals used for medicinal purposes, except on the prescription of a physician, nor unless the receptacle or package containing such poisonous drugs, medicines or chemicals be marked "Poison" in plain and conspicuous characters.

Poisonous
drugs, etc.
Ord. No. 7516,
A. S.
Dec. 1881.

ART. 1634. (2) Patent medicines, household remedies, etc., compounds for the destruction of rats, insects, bugs, of a poisonous nature; chemicals used in commerce and industry, and presenting the same dangerous character, may be sold without a physician's prescription to persons of full age and sound mind and personally known to the vendor. These articles shall always be labeled "poison."

Patent medi-
cine, rat and
bug medicine,

ART. 1635. (3) All druggists, peddlers, hawkers and all other persons dealing in or selling poisonous substances, shall keep a special book, open at all times to the proper authorities, in which they shall register the name, age, residence and profession of the person to whom any poisonous substance is sold; also the date of sale, the quantity sold, the use it is intended for, whether sold upon a personal acquaintance with the buyer or upon a physician's prescription. The latter shall always be carefully preserved.

Druggists,
hawkers, etc.,
to keep record
of sales.

ART. 1636. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty.
Ord. No. 4951,
C. S.
Dec. 16, 1890.

POLES.

ELECTRIC LIGHT POLES.

Foot cleats.
Ord. No. 5382,
C. S.
June 9, 1891.

ART. 1637. That the Commissioner of Police and Public Buildings be and he is hereby directed to immediately notify and require the owners of all electric light, telephone and telegraph poles throughout the city, having poles with foot-holds or cleats thereon, within ten (10) feet of any building, to remove said foot-holds or cleats within ten (10) days from the date of notice. A failure to comply will subject offender or offenders to the penalties prescribed in section 3 of this resolution.

Unlawful
Ib.

ART. 1638. (2) That it shall hereafter be unlawful and all persons are forbidden to erect poles throughout the city, with foot-holds or cleats thereon, within ten (10) feet of any building.

Penalty.
Ib.

ART. 1639. That whoever shall violate the provisions of this resolution shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the parish prison for a term not to exceed thirty days, in default of payment of the fine to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Permission.
Ord. No. 5579,
C. S.
Sept. 1, 1891.

ART. 1640. That it shall be hereafter unlawful for any person or corporation to put up any post within the limits of the city proper for telegraph, telephone or electric light, or any other purpose, without permission from the Council; provided, this shall not apply to persons or corporations having such rights under previous ordinances.

Penalty.
Ib.

ART. 1641. Any person violating the provisions of this ordinance shall be punished by a fine not exceeding twenty-five dollars, and in default of the payment of said fine by imprisonment not exceeding thirty days.

ART. 1642. (1) That from and after the passage of

this ordinance it shall not be lawful to maintain or erect any poles in the streets, ways, squares, parks, or other public places of the city, for the purpose and use of supporting wires for electric light purposes, except upon the condition hereafter provided in this ordinance.

Erection of
poles; when
unlawful.
Ord. No. 662,
C. S.
April 8, 1884.

ART. 1643. (2) That said poles shall not be of elevation at the lowest wire less than thirty feet from the curbstone, that their depth of insertion in the earth shall not be less than four feet from top of curbstone, and their dimensions at a point of five feet above the surface from top of curbstone shall not be less than thirty inches in circumference or ten inches in diameter. They shall be straight and have a smooth, plain surface, which shall be painted brown, blue, green, or some other color, to distinguish the company owning them, from the ground fifteen feet upward, and thence white to top extremity, and in black letters have branded upon them, six feet above the curbstone, the name of the company owning them, and shall be placed upon sidewalks close to and on the inner face of the curbstone, and shall be taken down and replaced whenever found to be dangerous from decay, splits, breaks or spoils.

Regulations.
Ib.

Taking down
and replacing.

ART. 1644. (3) That no fresh or new lines of poles for purposes described shall be erected within the city limits without having previously obtained the consent by ordinance or resolution of the Council; and further, no such poles shall be allowed to remain in that portion of the city embraced by Jackson street, Elysian Fields, Roman street and the Mississippi river, except upon the immediate erection and maintenance during the year 1884, free of any expense to the city, of five additional electric lights on Canal street beyond Broad street, exact location to be designated by the Committee on Lighting; these lights to be in consideration of the privileges and advantages of entering upon, using and occupying the streets, ways and public places for purposes above described during the year 1884.

New lines.
Ib.

Additional
lights.

ART. 1645. (4) That the city shall have the right, under such regulations as may be established by the Council, to use said poles gratuitously for the support

City's rights.
Ib.

of such wires as may be found necessary for the service of the fire alarm or police departments.

Placing and
inspection of
poles.

Ib.

ART. 1646. (5) That the location, condition, inspection and placing of said poles shall hereafter be put under the control of the Commissioner of Public Works and City Surveyor, and that the acts and doings under this ordinance shall be subject to any ordinance or ordinances that may hereafter be passed by the City Council concerning the same.

Notarial act.
Ib.

ART. 1647. (6) That the Mayor be and is hereby authorized to enter into contract with such electric light companies as require the use of poles for the purpose and object of carrying into effect the provisions of this ordinance.

Repealing
clause.

Ib.

ART. 1648. (7) That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

TELEPHONE POLES.

Erection of
poles.

Ord. No. 519,
C. S.

Dec. 18, 1883.

ART. 1649. (1) That from and after the passage of this ordinance it shall not be lawful to maintain or erect any poles in the streets, ways and public places of the city for the purpose and use of supporting wires for telephone purposes, except on the conditions hereafter provided in this ordinance.

Elevation, etc.
Ib.

ART. 1650. (2) That said poles shall not be of an elevation, at the lowest wire, less than forty (40) feet from top of curbstone, that their depth of insertion in the earth shall not be less than (5) feet from top of curbstone, and their dimensions at a point of six (6) feet above the surface on top of curbstone shall not be less than forty (40) inches in circumference or thirteen (13) inches in diameter; they shall be straight and have a smooth, plane surface, which shall be painted brown, blue, green or some other color to distinguish the company owning them, from the ground fifteen (15) feet upward, and thence white to top extremity; in black letters have branded upon them six (6) feet above the curbstone the name of the company owning them, and shall be placed upon sidewalks close to and on the inner

face of the curbstone, and shall be taken down and replaced whenever found to be dangerous from decay, splits, breaks or spoils.

ART. 1651. (3) That no fresh or new lines of poles for purposes described shall be erected within the city limits without having previously obtained the consent by ordinance or resolution of the Council; and further, no such poles shall be allowed to be erected or any existing poles be allowed to remain in that portion of the city embraced by Jackson street, Elysian Fields, Roman street and the Mississippi river, except upon the payment of five \$5 dollars per annum per pole for every such pole erected or at present in use within that section of the city above designated, and all poles outside of said section to be exempt from said payments; said payments to be in consideration of the privilege and advantage of entering upon, using and permanently occupying the streets, ways and places of the city for private property, and to be paid annually in advance, commencing January 1, 1884.

New lines.
Ib.

Annual pay-
ment.

ART. 1652. (4) That in addition to the price paid per pole per annum, as herein set forth, the city shall have the right, under such regulations as may be established by the Council, to use said poles gratuitously for the support of such wires as may be found necessary for the service of the fire alarm or police departments.

Right of
city.
Ib.

ART. 1653. (5) That such telephone company or companies as have erected, or shall hereafter erect, poles as before described, shall, in addition to the price paid per pole per annum, as herein set forth, gratuitously furnish and maintain telephone apparatus and connection with such public offices, institutions or buildings as the Council may direct, to a total number of not exceeding ten (10), and any over that number, if ordered by the Council, shall be paid for at customary rates, and shall balance by appropriate credits all existing charges against the city government in any of its branches for use of any telephones now or hereafter operated.

Free tele-
phones.
Ib.

Number.

ART. 1654. (6) That the location, condition, inspection and placing of said poles shall hereafter be put

Location and
inspection.
Ib.

under the control of the Commissioner of Public Works and City Surveyor.

Subject to
ordinances.

ART. 1655. (7) That the acts and doings under this ordinance shall be subject to any ordinance or ordinances that may hereafter be passed by the City Council concerning the same.

Mayor to con-
tract.

ART. 1656. (8) That the Mayor be requested and authorized to enter into contract for one year with the said telephone company or companies, to carry out the objects of this ordinance.

Repealing
clause.

ART. 1657. (9) That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Adopted December 18, 1883.

TELEGRAPH POLES.

Erection of
poles; when
unlawful

Ord. No. 547,
C. S.

Jan. 11, 1884.

ART. 1658. (1) That from and after the passage of this ordinance it shall not be lawful to maintain or erect any poles in the streets, ways and public places of the city, for the purpose and use of supporting wires for telegraph purposes, except on the conditions hereafter provided in this ordinance,

Elevation, etc.

ART. 1659. (2) That said poles shall not be of an elevation, at the lowest wire, less than forty (40) feet from top of curbstone; that their depth of insertion in the earth shall not be less than five (5) feet from top of curbstone, and their dimension at a point of six (6) feet above the surface or top of curbstone shall not be less than forty (40) inches in circumference, or thirteen (13) inches diameter. They shall be straight and have a smooth plain surface, which shall be painted brown, blue, green or some other color, to distinguish the company owning them, from the ground fifteen (15) feet upward, and thence white to top extremity; in black letters have branded upon them six (6) feet above the curbstone the name of the company owning them, and shall be placed upon sidewalks close to and on the inner face of the curbstone, and shall be taken down and replaced whenever found to be dangerous from decay, splits, breaks or spoils.

ART. 1660. (3) That no fresh or new lines of poles for purposes above described shall be erected within the city limits without having previously obtained the consent, by ordinance or resolution, of the Council; and further, no such poles shall be allowed to be erected, nor any existing pole allowed to remain in that portion of the city bounded by Jackson street, Elysian Fields, Roman street and the Mississippi river, except upon the payment of five (\$5) dollars per annum per pole for every such pole erected or at present in use within the limits above described; said payments to be in consideration of the privilege and advantage of entering upon, using and permanently occupying the streets, ways and places of the city for private profit, and to be paid annually in advance, commencing January 1, 1884, and all poles outside of said limits to be exempted from said payment.

Boundaries.
Ib.

Annual pay-
ment.

ART. 1661. (4) That in addition to the price paid per annum, as herein set forth, the city shall have the right, under such regulations as may be established by the Council, to use such poles gratuitously for the support of such wires as may be found necessary for the service of the fire, fire alarm or police departments.

City's rights.
Ib.

ART. 1662. (5) That the location, condition, inspection and placing of said poles shall hereafter be put under the control of the Commissioner of Public Works and City Surveyor.

Location and
supervision.
Ib.

ART. 1663. (6) That such sums of money as may be paid during the year 1884 into the City Treasury, under this ordinance, shall be exclusively devoted to the renovation or repair of the Bienville street draining machine and the canals leading thereto or therefrom, as may be hereafter ordered by the Council.

Bienville drain-
ing machine.
Ib.

ART. 1664. That his Honor, the Mayor, be requested and authorized to enter into contract for one year with the Western Union Telegraph Company to carry out the objects of this ordinance.

Notarial act.
Ib.

ART. 1665. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause.
Ib.

POLICE.

See OFFENCES—RECORDERS—STREETS—WHARVES.

ACT No. 63 OF 1888.

Creating a Police Board for the city of New Orleans, and defining its powers.

Police Board of the city of New Orleans created.

How to be composed,

Number and qualifications of the commissioners of said board.

Commissioner; how elected; term of office; vacancies, how filled.

Qualifications of commissioners.

Meetings of said board; when and by whom ordered to be held.

Mayor to be presiding officer, with only a casting vote.

Board to elect a president pro tem.

Four commissioners to constitute a quorum.

Commissioners to take oath of office, and they to be liable to removal by the mayor.

Proviso.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That the powers and duties connected with and incident to the police department and police discipline of the city of New Orleans and the parish of Orleans shall be, as hereinafter more especially provided for, vested in and exercised by a board consisting of six commissioners and of the Mayor of the city, to be styled the "Police Board of the city of New Orleans," and by such officers, patrolmen, employees and clerks as may be appointed by said board; provided, that the said commissioners shall be residents of the several districts of the city of New Orleans, excepting in the case of the Sixth and Seventh Districts, which shall be consolidated for the purposes of this act and be allowed one commissioner.

SEC. 2. That said commissioners shall be elected by the Common Council of New Orleans, two for the term of four years, two for the term of eight years and two for the term of twelve years. In case of death, resignation or removal from office of any of said commissioners, the vacancy shall be filled by said board for the unexpired term of said commissioner; and upon the expiration of the terms of any such commissioners the office shall be filled by election by said Common Council for a term of twelve years, as above stated. Said commissioners shall be citizens of the United States and of this State. Said board shall meet at least twice a month, and as often as necessary, subject to the call of the Mayor.

SEC. 3. The Mayor of the city of New Orleans shall be the presiding officer of said board, but shall have only a casting vote therein. The board shall elect one of its members as president *pro tempore* of the board. Not less than four of said commissioners shall constitute a quorum.

SEC. 4. The persons severally appointed Commissioners of the Police Board by virtue of this act shall, before exercising any of the duties thereof, duly take and file in the office of the Secretary of State the oath of office and affidavit of eligibility prescribed for State officers, and may at any time be removed by the Mayor of the city of New Orleans, for high crimes, malfeasance or misdemeanors, for incompetency, for corruption, favoritism, extortion or oppression, or for gross misconduct or habitual drunkenness; provided, that in all cases when charges are made against

a commissioner, he shall have an opportunity to present evidence in his behalf.

SEC. 5. The said board shall proceed to an organization at its first meeting in the month of July of every fourth year by electing one of its members to be president *pro tempore*, and a suitable person to be secretary and treasurer, whose powers, duties, salary and term shall be regulated and fixed by said board; provided, that the salary of said treasurer and secretary shall not exceed \$1500 per annum. No member of said board shall receive any salary whatever.

Time and manner of the organization of said board; powers to elect officers and fix their salaries.

No commissioner to receive any salary whatever.

SEC. 6. The said board shall appoint a superintendent, a police surgeon, and as many captains, sergeants, corporals, clerks, operators, patrolmen and doormen that may be requisite, and the said board shall, with the sanction of the Mayor, promulgate all rules, regulations and orders to the police force, through the Superintendent of the Police Force, who shall be the executive head of the whole force, and shall have the direction of said police force subject to rules, regulations and orders of said board; provided, however, that nothing herein shall be so construed as to impair, diminish or reduce the power of the Mayor as commander in chief of said police force to issue such orders as might be necessary and proper for the preservation of the peace in the city of New Orleans and promote the efficiency of said force.

Powers and duties of said board.

Proviso.

SEC. 7. Each officer and member of said police force shall hold office respectively during good behavior, and shall be liable to removal from office after written charges shall have been preferred against him and due trial had according to the rules and regulations of said board, and when such officer or members of said police force shall be laboring under any disability through sickness or accident; provided, no removal shall be made for any such disability unless the same shall have existed for more than three months and shall be of a permanent or incurable nature. But no person shall be appointed to membership of said police force unless:

Officers and members of police force to hold office during good behavior; the mode of, and causes for their removal.

Proviso.

1. He is able to read and write the English language understandingly.

Qualifications and requirements of members of said police force.

2. He is a citizen of the United States and has been so for a year.

3. He has been a resident of this State during a term of five years, two years of which in the city of New Orleans next prior to his application for appointment.

4. He has never been convicted of crime.

5. He is at least five feet six inches in height.

6. He is above the age of twenty-one years.

7. He is of good health and sound in body and mind.

8. He is of good moral character and habit.

9. Nor unless he has been examined by the Civil Service Board

of Examiners to be appointed by said police board and his name appears on the eligible list.

Commissioners or police officers or employees prohibited from holding any other office. SEC. 8. None of the commissioners of said police board nor any of the officers or employees of the police force shall accept or hold any other place or office of public trust during his or their term of office; and if he or they shall fail within ten days following his or their appointment or election to such place or office of public trust to resign as commissioner or officer or employee of the police force, he or they shall be *ipso facto* suspended from the same.

Penalty for so doing.

Vacancies, how to be filled. SEC. 9. Vacancies in the police force shall be filled as follows: Captains must be appointed from amongst sergeants, sergeants from amongst corporals, and corporals from among patrolmen, and patrolmen from among supernumeraries; provided, that such promotion be made after due examination of the applicant by a board of examiners appointed by the superintendent of police.

Proviso.

Mayor to be commander-in-chief. SEC. 10. The Mayor of the city of New Orleans, as *ex-officio* justice and conservator of the peace, shall be the commander in chief of the police force.

Each member of policeto have a certificate of his appointment. SEC. 11. Every member of the police force shall have issued to him a certificate of his appointment signed by the president or president *pro tem.* and by the secretary and treasurer of the board.

Police board to require bonds previous to issuance of certificate of appointment. SEC. 12. The Police Board shall make suitable provisions respecting the security to be given by the officers and employees under their control, and shall require them to file their bond and oath of office previous to the issuance of the certificate mentioned in the previous section.

Power of board to try, condemn and punish any officer or member of police force. SEC. 13. The said Police Board shall have power in their discretion on conviction of any officer or member of said police force for any legal offence or neglect of duty, or violation of rules, or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public welfare, or immoral conduct or conduct unbecoming an officer, or other breach of discipline, to punish the offending party by reprimand, forfeiture or suspension of pay for a specified time, or by dismissal from the force. All fines shall go to the pension fund for disabled and retired members of the force, to be created by said board, and as hereinbelow provided for.

All fines to go to the pension fund.

Penalty for withdrawal or resignation without permission, or absence without leave. SEC. 14. No officer or member of the police force, under penalty of forfeiting the salary that may be due him, shall withdraw or resign except by permission of the force. Unexplained absence without leave for three days shall be deemed and held to be a resignation by such officer or member, and accepted as such.

SEC. 15. The said Board of Commissioners shall have power to issue subpoenas attested in the name of its president to compel the attendance of witnesses in any proceeding authorized by its rules and regulations touching the members of the force.

Each commissioner of the board, the Superintendent of Police and the Secretary and Treasurer are hereby authorized and empowered to administer oaths and affirmations to any persons summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the orders, rules and regulations of the board, or for the purpose of this act. Any wilful and corrupt false swearing by any witness or person to any fact in the proceedings above mentioned shall be deemed perjury, and punished in the manner now prescribed by law for such offences.

SEC. 16. The said Police Board, in furtherance of the police government and for promoting and perfecting the police discipline of officers and subordinates of the police force, are empowered, in their discretion, to enact, modify and repeal from time to time orders, rules and regulations of general discipline, wherein, in addition to such general provisions as may be deemed expedient by said board, there may be particularly defined, enumerated and distributed, the powers and duties and liabilities of the officers, clerks and members of the police force, and wherein shall be declared the mode of appointment to office, the manner of discipline and procedure of trial and removal from office of the said officers, clerks and members of said force; provided, that such laws, ordinances, orders, rules and regulations, forms and modes of procedure shall not conflict with any of the provisions of this act.

SEC. 17. It is hereby made the duty of the police force at all times of day and night, and the members of such force are hereby thereunto empowered, to especially preserve the public peace, to prevent crimes, detect and arrest offenders, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages which obstruct the free passage of public streets, sidewalks, parks, squares and places; protect the rights of persons and property, guard the public health, preserve order at elections and all public meetings and assemblages, prevent and regulate the movement of teams and vehicles in streets, and remove all nuisances in public streets, parks and highways; arrest all street mendicants, beggars and vagrants, provide proper attention at fires, advise and protect immigrants, strangers and travelers in public streets, at steamboat and ship landings and at railroad stations; carefully observe and inspect all places of public amusement, all places of business having licenses to carry on any business, all houses of ill fame or prostitution, and houses where common prostitutes reside or resort; all lottery offices unauthorized by law, policy or bucket shops; all gambling houses or

Board of commissioners to have power to issue subpoenas and compel attendance of witnesses.

Commissioners of Police Board, its officers and the Superintendent of Police authorized to administer oaths.

Penalty for wilful and corrupt false swearing of witnesses.

Police Board.

Its powers and duties.

Proviso.

Duties of Police Force.

Power to arrest without warrant.

Proviso.

Superintendent of Police Force; his duties defined.

Board to make report to the Common Council.

City Attorney to be legal adviser of said board.

Police Board required to make annual reports and financial estimate of expenses.

Duty of Common Council to make appropriation.

Members of Police Force prohibited from doing certain things.

houses where keno, lotto or other games are played: all cockpits, rat pits and public dance houses; and to repress and restrain all unlawful or disorderly conduct or practices therein: enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offences: provided, nothing herein shall be construed as permitting or authorizing policy or bucket shops, gambling houses, or houses where keno, lotto or other games are played.

SEC. 18. The Superintendent of the police force shall make to the Police Board monthly reports in writing of the state of the department, with such statistics and suggestions as he may deem advisable to submit for the improvement of the Police Department and discipline of said police. The board shall, on or before the first Monday in January of each year, make a report in writing to the Common Council of New Orleans of the condition of the police force.

SEC. 19. The City Attorney shall be the legal adviser and attorney of the said board without additional compensation.

SEC. 20. The said Police Board shall, on the first Monday in the month of December of each year, proceed to make up a financial estimate of the sums required for the expenses during the ensuing year of the police force, law expenses and disbursements of the Police Board, or rendered necessary in criminal or civil actions and proceedings against the said commissioners or officers, or members of the force for acts done in the discharge of duty, or by color of office and also for the salaries and pay required by virtue of this act. The Common Council shall set aside in the budget of expenses a sum equal to that required according to the estimate made as aforesaid by the Police Board; provided, that said Council shall have the right to reduce said estimate to a sum not less than one hundred and fifty thousand dollars for the Police Department, including the amount to be received from the wharf lessees, whenever the revenues of the city will not justify or permit a larger appropriation.

SEC. 21. No member of the police force shall be permitted to solicit or be obliged to make contributions in money or otherwise, on any pretext, to any person, committee or association for any political purpose whatever: nor shall any member of said force be permitted to be a delegate or representative to or member of any political or partisan convention whose purpose is the nomination of a candidate or candidates to any political office. He shall not take part in any convention held for the nomination of candidates for political office. Upon the day of election for public affairs held under the laws of the State, or of primaries of any political party, he shall, whether specially assigned to attend the polls or otherwise, do all in his power to preserve the peace.

He is also prohibited from selling or assigning his salary by anticipation or in advance, or giving powers of attorney for the collection thereof.

SEC. 22. The Police Board may, in their discretion, permit members of the force, for services rendered by them in the discharge of their duties, which are both "meritorious and extraordinary," but for such only, to receive, under the restrictions provided in this section, rewards, presents or testimonials tendered them for such services. When any such reward, present or testimonial is proffered, it must, money or otherwise, first be deposited with the treasurer of the board to await such final action as the board may take upon it. If the reward or present be a sum of money, the treasurer shall deduct therefrom, unless the Police Board otherwise direct, for the benefit of the police pension fund, twenty per cent. on all sums less than one thousand dollars, and twenty-five per cent. on all sums above one thousand dollars—paying the balance, on proper vouchers, to whom it is intended. In each and every case application must be made to the board, in writing, for permission to receive any reward, present or testimonial, and it will be granted or not, as the board may deem advisable. The nature or the amount of the reward or present must be stated in the application. Application for permission to receive testimonials voted members of the force at fairs, receptions, balls, picnics or other public gatherings shall be denied.

SEC. 23. All fines imposed by the Police Board upon members of the police force, by way of discipline, and collectible from pay or salary, and all rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary services of any member of the police force, except when allowed to be retained by said member, and all moneys remaining for the space of one year in the hands of the property clerk, or arising from the sale of unclaimed goods, and all proceeds of suits for penalties, shall be deposited and paid into the bank, wherein the treasurer of the Police Board shall keep an account. The payment so made shall constitute and be deposited and kept as a fund, to be called the "Police Pension Fund," and the persons who shall, from time to time, fill the office of said Treasurer of the Police Board, and that of Treasurer of the city of New Orleans, are hereby declared the trustees of the said fund, and may, from time to time, invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund, and are empowered to make all necessary contracts and take all necessary remedies in the premises.

SEC. 24. If any member of the police force, whilst in the actual performance of duty, shall become permanently disabled so as to render his dismissal from membership proper, or if any such member shall become superannuated after twenty years of mem-

Members of Police Force may be allowed to receive rewards, presents or testimonials in certain cases and under certain restrictions.

All fines collected to be deposited in bank to the credit of "Police Pension Fund."

The treasurers of the police board and of the city of New Orleans made trustees of said pension fund, with power to invest the same.

Annuities to be paid to certain members of police force.

bership. a sum of not exceeding one hundred and fifty dollars as an annuity to be paid such member shall become chargeable upon the police pension fund; if any member of the police force, whilst in the actual discharge of his duty, shall be killed or shall die from the immediate effect of any injury received by him whilst in such discharge of duty, or shall die after twenty years' service in the force, and shall leave a widow, and if no widow, any child or children under the age of 16 years, a like sum by way of annuity shall become chargeable upon said fund, to be paid to such widow so long only as she remains unmarried, or to such child or children so long as said child or youngest of said children continue under the age of 16 years. In every case the Police Board shall determine the circumstances thereof, and order payment of the annuity to be made by draft, signed by each trustee of the said fund; provided, that if any officer, whilst in the discharge of his duties, receives injuries which disable him for service, he shall receive full pay as long as said disability shall last, unless said injury be of a permanent nature; and provided said disability shall not exceed six months.

SEC. 25. *Be it further enacted, etc..* That all laws or parts of laws inconsistent, contrary to, or in conflict with the present act, be and the same are hereby repealed.

Provisions for police jail. ART. 1666. That the commanders of the various precinct police stations be and they are hereby authorized C. S. Ord. No. 3000, to draw requisition on the parish prison or police jail for July 24, 1888. to the supply of such provisions as may be necessary to feed prisoners confined in said stations over Sundays or legal holidays, and the Commissioner of Police and Public Buildings is hereby directed to honor said requisitions.

Private watchmen. ART. 1667. That all private watchmen be and they are Ord. No. 3229, hereby authorized and requested to make daily reports of C. S. all lights out on their respective beats to the Chief of Police through their respective employers or otherwise. Oct. 2, 1888.

ART. 1668. That such reports shall be treated by the Chief of Police and forwarded to its proper destination as though made by the city police.

BOYLAN'S DETECTIVE AGENCY AND PROTECTION POLICE.

Mayor to commission Patrolmen. ART. 1669. (1) That the Mayor of the city of New Orleans be and he is hereby authorized at his discretion to commission as patrolman, with police powers, each per- A. S. 6715 Nov., 1880.

son employed as a member of M. J. Farrell's Harbor Protection Police.

ART. 1670. (2) That the person commissioned by the Mayor in conformity with the provisions hereof, shall not be required to furnish the bond to be executed by patrolmen under Ordinance No. 3914, A. S., nor shall such persons receive or be entitled to any salary or compensation of any kind from the city of New Orleans.

ART. 1671. That Ordinance No. 6715, A. S., be and is hereby amended as follows: Strike out "M. J. Farrell's Harbor Protection Police," and insert "Boylan's Detective Agency and Protection Police."

ART. 1672. That permission be and the same is hereby granted to Boylan's Detective Agency and Protection Police of the city of New Orleans, their successors or assigns, to string wires from their central office to connect with signal boxes and other electrical appliances to be erected by the said agency for the better protection of the patrons of said agency. The current from said wires to be from a battery to be very light and not liable to cause injury or damage. In stringing said wires, the said Boylan's Detective Agency and Protection Police, their successors or assigns, shall have the right to attach them by suitable fastenings to the sides or roofs of buildings, taking all necessary precautions in no manner to injure the buildings to or on which said wires may be attached; provided, however, that any damage done to said buildings shall be immediately repaired by the said Boylan's Detective Agency and Protection Police, their successors or assigns.

ART. 1673. That permission is hereby granted to the said Boylan's Detective Agency and Protection Police, their successors or assigns, to use existing poles in lieu of house tops, etc., if same are found to be practicable.

ART. 1674. That they shall be subject to all police regulations now governing the matter of attaching wires on the roof or sides of buildings; and that the city shall have the right to connect any of her departments free of charge.

ART. 1675. That this privilege be revocable at the pleasure of the Council.

Bond and
salary. Ib.

Changing
name.
Ord. No. 3762,
C. S.
May 21, 1889.

Permission
to string wires.
Ord. No. 9330,
C. S.
June 26, 1894.

To use poles.
Ib.

Subject to police
regulations.
Ib.

DECISIONS.

Act 63 of 1888, which creates a Police Board for the city of New Orleans and defines his powers, is not unconstitutional, and its provisions must be carried out. 41 An. 156.

Sec. 6 of Act 63 of 1888 authorizes the Police Board of the city of New Orleans to appoint a Superintendent of Police and other subordinate officers of the force, and, *with the sanction of the Mayor*, to promulgate all rules, regulations and orders to the police force through the Superintendent.

Sec. 16 thereof provides that the Police Board, in furtherance of the police government and for promoting and perfecting the police discipline of officers and subordinates of the police force, are empowered, in their discretion, to enact, modify and repeal, from time to time, orders, rules and regulations of general discipline. The powers and duties imposed are essentially and altogether different, those of the former relating to general rules governing the force, while those of the latter relate to police government and discipline. Of the latter the statute has given the Police Board absolute and discretionary power, entirely free from the sanction and control of the Mayor. 45 An. 1477.

POLICE COURTS—See RECORDERS.

POLICE JAILS—See PRISONS AND JAILS.

POLICE PATROL SYSTEM.

Signal com-
pany,
Ord. No. 1674,
C. S.
March 2, 1886.
Notarial act.

ART. 1676. That the Mayor be and is hereby authorized and directed to enter into notarial contract with the Police Telephone and Signal Company of Chicago, Ill., for the erection of a police patrol system, to-wit: That the said Police Telephone and Signal Company, shall furnish and place in readiness for operation the necessary outfits for three (3) police precinct headquarters for the sum of five hundred dollars (\$500) each, and one hundred (100) street sentry boxes for the sum of two hundred dollars (\$200) each, the locations of the same to be hereafter designated by the Committee on Police and Public Buildings, and that the said company shall also furnish all the necessary tele-

Police patrol
system.

graph wire and line material, and build such lines as may be necessary to connect the above mentioned street sentry boxes and central office outfits, for the sum of seventy-five dollars (\$75) per mile, said work to be done and appliances furnished in accordance with the bid of said Police Telephone and Signal Company, dated Chicago, November 6, 1885. Necessary outfits.

ART. 1677. (2) That the payment of same to said Police Telephone and Signal Company shall be provided for in the budget for the year 1887. Payment to be provided. Ib.

Ordinance No. 3827, C. S., provides for payment.

Ordinance No. 7107, C. S., provides for repairs.

Ordinance No. 7483, C. S., provides for employment of a competent person to repair and keep in good condition.

POLICE AND PUBLIC BUILDINGS, COMMISSIONERS OF—See COMMISSIONERS.

PRESCRIPTION.

ACT OF THE LEGISLATURE.

ACT NO. 91 OF 1858, P. 64.

Relative to prescription of certain actions against the city of New Orleans.

Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened. That all actions for the enforcement of any contract entered into with the corporation of the city of New Orleans for work and labor to be performed, and for the recovery of any damages alleged to have arisen in favor of the contractors for any breach thereof on the part of the said corporation, shall be prescribed if not instituted within one year after the expiration of the time within which such contract is required to be performed or such damages are alleged to have arisen.

ACT 50 OF 1894, P. 60.

Be it enacted by the General Assembly of the State of Louisiana, That section nine hundred and eighty-six (986) of the Revised Statutes be and is hereby amended and re-enacted so as to read: No person shall be prosecuted, tried or punished for any offence, wilful murder, arson, robbery, forgery and counterfeiting excepted, unless the indictment or presentment for the same be Fixing the time of prescription in certain criminal charges.

found or exhibited within one year next after the offence shall have been made known to a public officer having the power to direct a public prosecution. Nor shall any person be prosecuted for any fine or forfeiture under any law of this State, unless the prosecution for the same shall be instituted within six months of the time of incurring such a fine or forfeiture. Nothing therein contained shall extend to any person absconding or fleeing from justice. Nor shall the prescription and exemption hereinbefore provided apply to any conviction of a lesser crime or offence, under an indictment for wilful murder, arson, robbery, forgery or counterfeiting, but on the contrary, said prescription or exemption shall not be pleadable against such an offence.

PRISONS AND JAILS.

POLICE JAIL.

Workhouse
building.
Ords. Nos.
6845, 7168 and
7421, A. S.
Feb., June
and Nov., 1886.

ART. 1678. (1) That from and after the passage of this ordinance it shall be the duty of the Administrator of Police to cause to be repaired the old Workhouse buildings in a suitable manner; said buildings are hereby constituted and shall be hereafter known and used as a police jail for the city of New Orleans.

Under charge
of Administrator
of Police.

Ib.

ART. 1679. (2) That said police jail shall be under the charge and management of the Administrator of Police, who is hereby authorized to appoint a sufficient force for the management and control of the same, subject to the approval of the Council.

Place of con-
finement.

Ib.

ART. 1680. (3) That said police jail shall be used as a place of confinement for all persons who may be sentenced to the same by the proper authorities under existing laws, and the parties so sentenced shall be employed and put to work therein in accordance with such rules and regulations as may be prepared by the Administrator of Police and approved by the Council.

To work un-
der directions
of Administrator
of Improvements.

ART. 1681. (4) That all persons sentenced to work on public works and buildings in this parish, in accordance with provisions of section 1, Act No. 38, Acts of 1878, regular session, shall be confined in said police jail and employed under the directions of the Administrator of Improvements on such works as the Administrator may designate.

ART 1682. (5) All persons charged with or convicted of violation of city ordinances now in force, for which the punishment is fine and imprisonment, the imprisonment shall be in said police jail; provided, that nothing in section 3 of Ordinance No. 6845 shall be so construed as to imply that persons sentenced for violations of city ordinances by the Recorders of the city shall be put to work, and all the provisions of said Ordinance No. 6845, relative to putting prisoners to labor on public works and buildings, shall be so construed as to be applicable only to persons sentenced thereto by the criminal courts of the parish under the provisions of Act No. 38 of the Acts of 1878.

Imprisonment in police jail.
Ib.

ART. 1683. (1) That in all cases wherein, by existing ordinances, the Recorders of the city of New Orleans are vested with jurisdiction to commit offenders to imprisonment in the police jail of said city, they be and are hereby authorized and empowered to commit such offenders to imprisonment either in the parish prison of the parish of Orleans or in the said police jail.

Recorders authorized to commit to police jail or parish prison.
Ord. No. 924,
C. S.
Sept. 23, 1884.

ART. 1684. (1) That hereafter whenever a prisoner committed by a Recorder of this city to the police jail for a period exceeding ten days shall be willing of his own accord to perform manual labor on any of the streets or public improvements, the Commissioner of Police and Public Buildings, with the Commissioner of Public Works, shall give said prisoner such employment under their control or under the control of the street or ward superintendents, as said Commissioners in their discretion shall think fit.

Manual labor
Ord. No. 761,
C. S.
June 24, 1884.

ART. 1685. Any prisoner who shall thus volunteer to work shall have as many days taken off or remitted from his sentence corresponding with the number of days during which he shall have performed work in the manner above mentioned; provided, that such days be computed at the rate of eight hours' solid work per day.

Deductions of days.
Ib.

ART. 1686. He shall also, when performing such work receive double the rations usually allowed prisoners in the police jail, and be given such tonics or invigoratives as will be best calculated to increase and improve his efficiency.

Double ration.
Tonics and invigoratives.
Ib.

Under direction of street superintendent.

Feeding prisoners. ART. 1687. That the commanders of the various precinct police stations be and they are hereby authorized to draw requisition on the parish prison or police jail for the supply of such provisions as may be necessary to feed prisoners confined in said stations over Sundays or legal holidays, and the Commissioner of Police and Public Buildings is hereby directed to honor said requisitions.

Matrons. ART. 1688. That the Commissioner of Police and Public Buildings be and he is hereby authorized to appoint two (2) matrons, one each for the Third and Sixth Precinct Police Stations, at a salary of forty dollars (\$40) per month each; provision for same to be included in the appropriation to his department for the year 1890. This resolution to take effect from and after the first day of January, 1890.

PARISH PRISONS.

1855-366 SEC. 2833. Each sheriff shall be the keeper of the public jail of his parish and shall by all lawful means preserve the peace and apprehend all disturbers thereof and other public offenders.

Sheriff keeper of jail.
Revised statutes.

1816-24-1 SEC. 2834. The police juries in each and every parish of this State and the Common Council of New Orleans shall have power to pass such by-laws and regulations as they may deem expedient for the police and good government of the jails and public prisons in their parishes respectively.

Police juries to regulate the police of jails.

1817-206-4 SEC. 2835. A physician shall be annually appointed by the police jury in each and every parish who shall attend such prisoners as are at the charge of the State whenever they are sick. His salary shall be fixed by the police jury.

Physicians to be appointed
1852-188-1

1814-38-2 & 3 SEC. 2836. The sheriffs, jailors, prison-keepers and their deputies shall furnish to each and every prisoner the following per diem allowance of sound and wholesome provisions, to-wit: One pound of beef or three-quarters of a pound of pork, one pound of wheaten bread, one pound of potatoes or one gill of rice, and at the rate of four quarts of vinegar and two quarts of salt to every one hundred rations.

Provisions to be furnished prisoners.

1817-206-3 SEC. 2837. In addition to the nourishment allowed by law to such prisoners as are confined for crimes and misdemeanors, they shall, at the beginning of the winter season, be allowed each one blanket capot, one shirt, one pair of woollen trousers and one pair of coarse shoes, and a shirt and a pair of trousers of coarse linen for summer; and 12½ cents per day shall further be allowed to the keeper of the jail for each and every

Clothing to be furnished.

prisoner who is sick, in order that the said sick prisoners may be taken care of as their situation may require.

SEC. 2838. The sheriffs of the different parishes of the State shall be allowed 50 cents a day for the maintenance of every prisoner confined in the prison of the parish of which he is sheriff. ^{1867—341} Compensation for keeping prisoners.

SEC. 2839. Whenever it shall be established to the satisfaction of any judge or justice of the peace, exercising jurisdiction in any parish of this State, that the jail of the parish is unsafe or unfit for the security of prisoners, it shall be the duty of the judge or justice of the peace to issue his writ to the sheriff or other officer of the parish, commanding him to convey any prisoner whom he may have in custody to the nearest jail in any adjoining parish in a safe condition, the prisoner there to remain until the jail of the first mentioned parish shall be repaired, until trial, or until he may be discharged by due course of law; and it shall be the duty of the sheriff of the parish to which the prisoner shall be conveyed to keep the said prisoner safe and secure, and subject to all judicial orders or decrees issuing from the parish from which the prisoner may have been sent, for which the said sheriff shall receive the same compensation as is allowed by law in other cases, to be paid by the parish from which the prisoner was sent. ^{1850—86—1} Prisoners may be transferred to the jail of another parish.

SEC. 2840. Each sheriff for conveying a prisoner to any other parish, as contemplated by this act, shall be entitled to charge ten dollars for each prisoner, and the same rate of mileage now allowed for conveying prisoners to the State penitentiary, to be paid by the parish from which the said prisoner shall be removed. ^{1850—86—2} Compensation for removing prisoners.

SEC. 2841. All the sheriffs, jailors, prison-keepers, and their deputies, within this State, to whom any person shall be sent or committed by the Marshal of the District of Louisiana, or his deputies, under the authority of the United States, whether on civil or criminal process, or upon any process or warrant which may be issued by the President of the United States, or those to whom he may delegate authority for any cause whatever under the law of the United States, shall be and they are hereby enjoined and required to receive such prisoners into custody, and keep the same safely, until they shall be discharged by due course of law; and all such sheriffs, jailors, prison keepers, and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them, or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this State. ^{1814—38—1} United States prisoners to be received.

SEC. 2842. For keeping such prisoner, the sheriffs, jailors, etc., shall be entitled to demand and receive of the marshal of the dis- ^{1814—38—2} Compensation for keeping them.

trict, quarterly, at the rate of fifty cents for every ration, and fifty cents per month for each prisoner.

See Act 73 of 1878, C. S., p. 110.

See Art. 119 Constitution of 1879.

1855—42. Allowance to be paid debtors in confinement. SEC. 2843. No debtor shall be kept in confinement at the suit of any creditor, unless he shall pay the keeper of the jail three dollars and fifty cents a week in advance for the use of the debtor.

1855—162. Mileage for conveying prisoners. SEC. 2844. The sheriffs throughout this State shall be entitled to demand for transportation of prisoners, for mileage, six cents for each mile he may necessarily travel, both in going and returning, and for the expense of one prisoner, conveyed as aforesaid, he shall receive five cents per mile for going only, and for additional prisoner thus conveyed the sum of three cents for each mile.

His accounts, how made out. SEC. 2845. No sums shall be paid to any sheriff for any services, as specified in the preceding section, unless his account shall name the prisoners so conveyed; and when certified by the judge as regards the distance shall be paid on the warrant of such judge.

1855—305. Grand jury required to inspect prisons. SEC. 2848. Every grand jury is required to inspect the prisons within their respective districts, and make report to the judge of said court of the manner in which the prisoners are treated, and if any of the sheriffs, jailors, prison keepers, or any of their deputies, should be presented by them for not having complied with the laws regulating the treatment of prisoners, he or they shall be fined in a sum not exceeding two hundred dollars.

Manual labor. ART. 1689. That the Criminal Sheriff of the parish of Orleans shall, upon the written requisition of the Commissioner of Public Works, place to work upon the public roads, or levees, or streets, or public buildings or public works in the city of New Orleans, all such prisoners sentenced to the parish prison in the parish of Orleans by any court of competent jurisdiction, who are willing of their own free will and accord to perform manual labor upon the same, under the terms and conditions mentioned in section 2 of the said act.

Keepers. ART. 1690. That there shall be one deputy sheriff or keeper for each ten prisoners set to work. The names of such deputies shall be placed upon a special pay roll which shall be countersigned by the Criminal Sheriff and the Commissioner of Public Works, and the Council shall monthly make appropriation to pay this special

Ib.
Amended by
Ord. No. 3247,
C. S. and No.
3373, C. S.

pay roll from the reserve derived from deductions of the appropriation for lighting.

ART. 1691. (3) That the said deputy sheriff or keepers while engaged in the supervision of the said prisoners shall be entirely under the control and direction of the Commissioner of Public Works and his proper subordinates.

Deputy sheriffs
or keepers
under control
of Commissioner of
Public Works.
Ib.

ART. 1692. (4) That any and all deductions which have been or may hereafter be made from appropriation for lighting be specially set apart for the payment of salaries and other expenses herein provided.

Expenses.
Ib.

ART. 1693. That all prisoners furnished for labor on the public works of the city by the criminal sheriff of the parish of Orleans under provisions of Act 121 of the last session of the General Assembly, be first set to work on the repairs and raising of the levees of the city under the directions of the Commissioner of Public Works.

Repairing
levees.
Ord. No. 3204,
C. S.
Oct. 23, 1888.

ART. 1694. That the City Surveyor is hereby instructed to set the necessary stakes and furnish all information for the prosecution of the work, in accordance with the recommendations of his report to the Council of September 4, 1888.

City Surveyor.
Ib.

ART. 1695. That the sum of fifteen hundred dollars (\$1500), or as much thereof as is needed, is hereby appropriated from item 43, budget of expenditures for year 1888, "strengthening and repairing banks of old canal" for the purchase by the Commissioner of Public Works of barrows, shovels, wheel planks, transportation and other necessary appliances for this work.

Appropriations
Ib.

ACT NO. 121 OF 1888.

To authorize the criminal sheriffs of the different parishes of the State, the parish of Orleans included, to employ in the performance of manual labor upon the public roads or levees, or streets or public buildings and improvements, any prisoner sentenced to the parish prison for any crime or offence; provided, the consent of the prisoner be first obtained.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana, That hereafter whenever a prisoner sentenced to the parish prison of any parish of this State, the parish of Orleans included, by any court of competent jurisdiction, shall be*

Sheriffs authorized to employ upon any of the public roads, or levees, or streets, or public buildings and improvements or public works inside or outside of the prison, the criminal sheriff of said parish shall set said prisoners to work upon such labor as shall be determined by the police juries of the several parishes and the municipal authorities of the several towns and cities; provided, that such prisoners shall always remain under the custody and control of the several sheriffs.

Corresponding remittances of sentences. SEC. 2. Any prisoner who shall thus consent to work shall have as many days taken off or remitted from his sentence corresponding with the number of days during which he shall have performed work in the manner above mentioned; provided, that such days be computed at the rate of ten hours work per day.

Necessary ordinances to be passed by the City Council of New Orleans and the several police juries. SEC. 3. That the Council of the city of New Orleans and the police juries of the several parishes are hereby authorized to pass all such ordinances which they may deem necessary to carry into effect the provisions of this act and for the discipline, working and employment of such prisoners.

Criminals at hard labor excepted. SEC. 4. This law shall not apply to criminals sentenced to hard labor.

SEC. 5. That all laws and parts of laws in conflict herewith are repealed.

CONVEYANCE OF PRISONERS.

Different sexes. Ord No. 150, C. S. Feb. 27, 1883. ART. 1696. (1) That persons of different sexes suspected or arrested on suspicion, or convicted of crime or misdemeanor or violating any of the city ordinances, shall not be transported in the same van or vehicle, at the same time, to or from any station house, or the court room of any committing magistrate, or the parish prison or from any point in the city to another.

Persons not known to be criminals. Ib. ART. 1697. (2) That persons not known to be criminals shall not be conveyed in the same van or vehicle with convicted persons, or persons well known to belong to the criminal class.

Space allowed in vehicles. Ib. ART. 1698. (3) That in every van or vehicle used for the transportation of prisoners by the city of New Orleans or parish of Orleans, there shall be allowed each prisoner sitting room or space on one of the seats of said van or vehicle of at least eighteen inches in width.

ART. 1699. (4) The officer or person in charge of any lockup, prison, courthouse or other institution from which prisoners are sent in vans or vehicles, shall be

responsible for the proper observance of this ordinance, and upon proof of violation by himself or person or persons subject to his orders, shall be dismissed from his office or position by the Mayor, and shall not be again reappointed to any position of trust within twelve months.

Officers responsible. Ib.

Penalty.

ART. 1700. (5.) A copy of this ordinance shall be kept conspicuously posted in every prison van used in the city of New Orleans.

See Act 84 of 1872.

PRISONERS—See PRISONS AND JAILS.

PRIVIES.

ART. 1701. Any privy hereafter constructed shall be not to exceed two feet below the surface of the ground, and be walled with brick or stone, laid in cement with sharp sand its whole depth, with water-tight bottom, and said wall shall be raised at least one foot above the surface of the ground, and shall be so constructed as not to have any issue or opening on any street, way, yard or place; nor shall it be within three feet of any street or way, and shall be built adjacent to any wall, whether a party wall or otherwise, be separated therefrom by solid masonry of not less than two feet in thickness, laid in cement and thoroughly waterproof; and shall have a flue or ventilator sufficient for ventilation, extending above the surrounding windows or communicating with a chimney.

Construction.
Ord. No. 4077,
A. S.
Amended by
Ords. No. 4135,
A. S., 4656, A.
S., 6022, A. S.,
6462, A. S.

ART. 1702. Any person building or causing any privy to be built in contravention to this section, or any part of it, shall be liable to a fine not to exceed twenty dollars. And the court before which suit may be brought for violation of this section, or any part of it, shall, in rendering its judgment, order such privy to be reconstructed in accordance with the provisions of this section, within a reasonable time, and in default of such compliance with such order, the party so failing to com-

Penalty. Ib.

ply shall be subjected to like penalty and punished as in the first instance; and the Board of Health may cause such order to be complied with at the expense of the person ordered as aforesaid, said expense to be recovered in any court of competent jurisdiction at the suit of said board.

**Defective
vaults.**

ART. 1703. Whenever any privy vault shall be found defective or leaky the Board of Health, through its proper officers, may order the same to be emptied and repaired, or to be rebuilt.

When emptied.
Ord. No. 3387,
C. S.
Dec. 4, 1888.

ART. 1704. Whenever any privy vault shall be filled within one foot of the surface thereof, or whenever the Board of Health, through its proper officers, shall so order, such privy shall be emptied by the owner, agent or tenant within forty-eight hours after notice, under a penalty not exceeding twenty-five dollars, and in default of payment of the fine, imprisonment not exceeding thirty days in the parish prison; provided, that in all cases when the tenant or lessee shall have assumed in writing the obligation of emptying said privy vaults, the penalty shall be inflicted upon the tenant or lessee and not upon the owner, lessor or his agent.

**Receiving
tanks.**
Ord. No. 8025,
C. S.
Aug. 29, 1882.

ART. 1705. That in cases where a system of one or more "vats" or "receiving tanks" connecting with privies shall be constructed on premises, such as factories, foundries, mills, refineries, large mercantile establishments or offices, exchanges, banks, schools, colleges, asylums, hospitals, prisons, courts, halls, barracks or other places requiring the presence of considerable numbers of workmen, employees, officers, residents or other persons, then in such cases and by previous consent of the Board of Health had and obtained as by plans submitted to said board, such "vats" or such "receiving tanks" may be constructed, but they shall not severally exceed in inside depth eight feet below the street level service of the ground nor have a superficial area to each "vat" or "tank" exceeding sixty-four square feet, nor a greater containing capacity than 4000 gallons. In all other essential particulars they must, in the interest of public health as to locality, seclusion and facility of

emptying, be conformed to such regulations as may be made regarding same, and especially to the terms and conditions set forth in section 1 of Ordinance 4077, Administration Series, as aforesaid; provided, that no "vat" or "receiving tank" in use shall be allowed to remain uncleared for a longer period than six (6) months and shall be cleaned oftener when considered necessary by the Board of Health, according to law. Pipes emptying into vats or tanks to be placed according to grading, given by the City Surveyor.

Must be
cleaned within
six months.
Ib.

ART. 1706. That, except as hereinabove specially provided, Ordinance 4077, A. S., shall be and remain in full force and effect.

Ord. No. 4077
to remain in
force.
Ib.

ART. 1707. That whenever and wherever it can be conclusively shown, to the satisfaction of the Board of Health, that said "vats" and "receiving tanks" are to contain only urine and the overflow from privy vaults, permission may be granted by the Board of Health to construct them of wood, the sides and bottoms to be of three (3) inch cypress boards, free from all defects, and laid so as to be water-tight, the construction of which, when completed, shall be inspected and approved by said board, through its inspectors.

Vats for urine
or overflow.
Ord. No. 3951,
C. S.
Sept 3, 1889.

ART. 1708. That all "vats," "receiving tanks" or other receptacles for human or animal excrement shall contain a square or circular opening or manhole, at least sixteen (16) inches in diameter, which shall be covered by a close-fitting and adjustable cap of iron or wood, which opening or manhole shall be adjusted and placed so as to admit of a thorough inspection of said vats, tanks or receptacles by the sanitary officers of the Board of Health, and that said manholes or openings shall be so placed within sixty (60) days from and after the passage and promulgation of this ordinance; and this ordinance and the amendments therein contained shall apply to "vats" used for the collection of excrement of animals in stables.

Manholes.
Ib.

ART. 1709. That all proprietors, owners or agents failing to comply with the provisions of this ordinance within the delay hereinbefore fixed, shall be liable to

Penalties.
Ib.

the pains and penalties already fixed by Ordinance No. 4077, A. S., the provisions of which ordinance, as well as those of No. 8025, A. S., are hereby continued in full force and effect, except in so far as they conflict with the provisions of this ordinance.

Time and man-
ner.
Ord. No. 4077,
A. S.

ART. 1710. The emptying of privy vaults shall be made between the hours of 5 A. M. and 8 P. M. At least twenty-four hours previous to such emptying the contents of the vaults shall be thoroughly deodorized by means of copperas and carbolic acid or other agents approved by the Board of Health, and immediately afterward the vault shall again be deodorized with lime and carbolic acid.

By odorless
apparatus.

ART. 1711. No privy shall be emptied otherwise than
ib. by some odorless apparatus, approved by the Board of Health and the City Council, and the solid matter shall be placed in air tight barrels under a tent, with the aid of such disinfecting measures as may be approved by the Board Health.

Penalty.
A. S. 6462.
May, 1830.

ART. 1712. No privies shall be emptied without a permit from the Board of Health, directed to the owner, agent or tenant of the premises.

Penalty.
Ord. No. 4955,
C. S.
Dec. 16, 1890.

ART. 1713. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Disinfection.
A. S. 6022.
June, 1879.

ART. 1714. Whenever, in the opinion of the proper officers of the Board of Health, any privy vault may require disinfecting or deodorizing, the same shall be done by the owner or tenant of the premises upon an order therefor, within thirty-six hours.

Re-inspection.

Ib.

ART. 1715. In all cases of permits or orders issued for the abatement of nuisances, the Board of Health will cause reinspection to be made after the expiration of the

time allowed for compliance; and no person concerned will be acquitted of the order until satisfactory compliance shall have been made.

PRIVILEGES.

ART. 1716. That it is the sense of this Council that no petition for a personal privilege shall be considered by the committees to whom same are referred until the said person or corporation shall file with the clerk of the committee to whom same is referred a receipt from the Treasurer of the city of New Orleans, showing that he or they have deposited a sum sufficient to cover the cost of promulgating the ordinance or resolution granting privilege asked for.

Applicants must deposit cost of promulgation.
Ord. No. 10,026,
C. S.
Nov. 27, 1894.

ART. 1717. That in the case of petitions for establishing barrooms that persons so applying shall, in addition to the receipt for cost of advertising and printing, exhibit and file with the clerk of committee a receipt from the Treasurer showing that they have deposited a sum sufficient to cover the city license for the current year.

Barrooms.
1b.

ART. 1718. That the clerks of the committees are hereby instructed to notify all persons not complying with the provisions of this ordinance that same must be complied with before action will be taken or petition filed.

Duty of clerks of committees.
1b.

ART. 1719. That the committees of the City Council be and they are hereby instructed, and it is made a part of their duty, to investigate whether the applicant for privileges or rights is a prompt taxpayer, a clear receipt for all licenses and taxes being a condition precedent to the committee giving the matter any consideration whatsoever.

Applicant must have paid all licenses and taxes.
Ord. No. 6761,
C. S.
Sept. 27, 1892.

ART. 1720. That on and after the passage of this ordinance any party, corporation or corporation of persons who having been granted any privileges, grants, etc., prior to the passage of this ordinance under certain terms and conditions, and having failed to comply with the said terms and conditions, shall not be entitled to

Failure to comply with terms and conditions of previous grants.
Ord. No. 8535.
C. S.
Jan. 2, 1894.

any further privileges from the city of New Orleans until such time as the unfilled obligations have been complied with.

PROPERTY, CITY.

See COURT HOUSE AND JAIL, OFFENCES.

Sec. 28, City Charter, rights and titles vested in city of New Orleans.

Sec. 68, defining term real estate.

Sec. 69, defining personal property.

Sec. 70, defining income.

City property
unknown.
O. S. 2270.
June, 1855.

Whereas, It is supposed that there is at the present time a large amount of real estate and other property within the limits of the city of New Orleans, which in fact belongs to the corporation, but of which there is no record on the books of the city; and it is further believed that if proper steps are taken the same may be ascertained and made available; therefore, be it resolved,

Five per cent.
for discov-
erer, etc.

ART. 1721. That a commission of five per cent. on the valuation of any real estate or other property shall be paid to any person who shall report to the Council the location and description of such property; provided, the same be non-recorded in the books of the city.

Title to be
established.

ART. 1722. That the above said commission of five per cent. shall not be considered as due to the informer until a proof of valid title to the city shall have been fully established by law.

Whereas, Mr. Thomas H. Watson having discovered through researches made among the public records of this city that certain valuable property belonging to the city of New Orleans, which is unknown to the city, or has been in the possession of private parties who claim to be the owners thereof; and,

Whereas, Mr. Watson proposes to obtain possession of this property or to otherwise place the city in full and undisturbed possession thereof, and turn same over to the city, on condition that the costs advanced in said

suit together with 25 per cent. of the value of said property be paid him for his services; therefore be it resolved,

ART. 1723. That the proposition of Mr. Watson be and the same is hereby accepted, and that the City Attorney be and he is hereby directed to join Mr. Watson in the prosecution of said suit.

Accepting proposition of Thos. A. Watson.
Ord. No. 10,983,
C. S.
July 5, 1895.

ART. 1724. That the Mayor be and he is hereby directed and authorized to enter into notarial contract with the said Thos. Watson in accordance therewith.

Mayor authorized to contract.
Ib.

ART. 1725. That the City Council shall petition the Legislature to donate to the city of New Orleans all swamp lands, vacant and unknown property within its municipal limits, forfeited and sold under Act 77 of 1880, Act 96 of 1882, Act 82 of 1884, Act 98 of 1886, and the title for which is now or may become vested in the State.

Swamp lands, etc.
Ord. No. 2939,
C. S.
May 8, 1888.

ART. 1726. That said swamp lands, vacant and unknown property, or the proceeds thereof, shall be pledged and used solely for drainage purposes.

Proceeds pledged for drainage.
Ib.

ART. 1727. That the City Attorney be instructed to prepare a memorial, together with an act necessary to carry out the purposes of this ordinance, and that the same be presented to the Legislature at the earliest possible date.

City Attorney.
Ib.

ART. 1728. That the Common Council of the city of New Orleans, approves and ratifies the act prepared by the City Attorney, and approved by the Treasurer of the city of New Orleans, entitled

City approves and ratifies act.
Ord. No. 9220,
C. S.
May 22, 1894.

An act—To provide for the sale of property bid in for and adjudicated to the city of New Orleans, or that may be hereafter adjudicated to the city of New Orleans for taxes for the year 1880 and subsequent years; to provide how the property shall be advertised, and for the manner in which said sales shall be made; to establish the effect of the deed of sale, and the validity of sales under this act, and to establish prescription of all actions to annul said sales under this act and to provide for the payment of all costs out of the proceeds of sale.

ART. 1729. That his Honor the Mayor be directed to submit said act to the Legislature as the duly approved

Mayor to submit same to Legislature.
Ib.

and authorized action of the City Council of the city of New Orleans.

Treasurer to make list.
Ord. No. 10,975,
C. S.
July 2, 1895. ART. 1730. That the Treasurer be directed to make out a list of the property acquired by the city of New Orleans by sale from the Civil Sheriff by Act 155 of 1894, or as much of said property as the Treasurer may deem advisable to be sold, and as soon as completed to turn over said list to the Comptroller for advertisement according to law.

Comptroller to sell. ART. 1731. That the Comptroller, upon the receipt of
 Ib. said list from the City Treasurer, be and is hereby directed either to sell said property for account of the city of New Orleans, with the proviso that not less than the amount due to the city as taxes and expenses, including State taxes due, shall be received in payment thereof, or, upon the advice of the Mayor, Comptroller and City Treasurer, that the Comptroller be directed to send up a list of so much of said property as may be considered as revenue producing in the way of collection of rents, to the City Attorney, with instructions that said officer be directed to take such measures as may be necessary to enforce the collection of rents.

To take effect.
 Ib. ART. 1732. This ordinance will take effect from and after the passage.

Not to insure.
Ord. No. 5629,
C. S.
Sept. 29, 1891. ART. 1733. That the Treasurer be and he is hereby directed not to insure any property purchased by the city for taxes, and that he be authorized to cause repairs to be made from the revenues received by the city from the rents of each individual property.

Treasurer authorized to settle with E. Howard McCaleb for certain property.
Ord. No. 2919,
C. S.
April 27, 1888. ART. 1734. That the Treasurer be authorized to receive from Mr. Edwin Howard McCaleb the sum of one thousand dollars (\$1000) in full payment and satisfaction of all ground rent in capital and interest due the city of New Orleans, upon the following described property owned by him, to-wit: A certain lot of ground situated in the Third District of the city, in the square No. 266, bounded by Esplanade, Kerlerec, Burgundy and Rampart streets, which lot of ground commences at a distance of 46 feet 7 inches from the corner of Esplanade and Burgundy streets, and measuring 44 feet

front on Esplanade street, by 106 feet 6 inches and 7 lines deep, and is composed of parts of lots 26 and 27, upon the original plan of J. Tannesse, dated June 6, 1809.

ART. 1735. That the Treasurer is further authorized upon the receipt of said amount to empower the Recorder of Mortgages for this parish to cancel and erase from his books *in so far only as they bear upon the property hereinabove* mentioned, the original inscriptions of the mortgages granted by Jean Pierre Dufour of \$1610 as the price of lot 26 and of \$1200 as the price of lot 27, granted by two acts of M. De Armas, notary, of October 13, 1809, and also all other inscriptions of mortgages resulting from the assumption of same amounts or parts thereof by all subsequent purchasers of said property up to and including the said E. H. McCaleb; provided, all interest on said ground rents be paid.

Cancel mort-
gage.
Ib.

Whereas, it has been a disputed question as to the ownership of the property forming the corner of Carondelet and Perdido streets, in square bounded by St. Charles and Poydras streets and lately occupied by Louisiana Hose Company as an engine house; and

Whereas, the said Louisiana Hose Company have submitted to the city of New Orleans a compromise proposition, to-wit: To receive from the city of New Orleans the sum of four thousand dollars in full settlement of all their rights and interest in and to said property, the said four thousand dollars to be paid in January, 1896; therefore, be it ordained,

ART. 1736. That the foregoing proposition be accepted and that the Mayor be and he is hereby directed to sign notarial act in accordance with said proposition and the Budget Committee is hereby directed to place in the budget of the year 1896 an appropriation to carry out the intendment of this ordinance.

Accepting
proposition of
Louisiana Hose
Company.
Ord. No. 10,377,
C. S.
March 5, 1895.

ART. 1737. That the Mayor be and he is hereby authorized and directed to purchase from the owners thereof, in the name of the city of New Orleans, for the price and on the terms and conditions hereinafter set

Mayor author-
ized to pur-
chase certain
property.
Ord. No. 6167,
C. S.
March 22, 1892.

forth, the following-described real estate, to sign all necessary acts of sale or other writings in the premises, when the City Attorney shall have reported favorably on the titles, viz.: One lot of ground and improvements thereon, formerly occupied by Mississippi Fire Company No. 2, for the sum of twelve thousand dollars (\$12,000). One two-story frame house known as engine house Independent Fire Company No. 2 (now No. 25), for the sum of twelve hundred dollars (\$1200), said amounts to be paid in three equal instalments, first payment to be made in January, 1894, second payment in January, 1895, and the third and last payment in January, 1896, with interest at the rate of 6 per cent. (six per cent.) from date of transfer, and the Budget Committee is hereby directed to make the necessary provisions for same.

Mayor authorized to sell certain property.

- ART. 1738. That the Mayor be and is hereby authorized and directed to sell at the highest possible figure
- 1b. the following described property, viz.: One lot of ground and improvements thereon, adjoining the property occupied by Carrollton Fire Company No. 1. (now No. 19), on Dublin street, Carrollton; one lot of ground on which stands the house formerly occupied by Star Hook and Ladder Company No. 1 (now No. 7), the proceeds of said sales to be placed to the credit of purchase of plant for paid fire department, and as much thereof as may be necessary to be set aside and appropriated for the purchase of the hereinafter-described property, which the Mayor is hereby authorized and directed to purchase in the name of the city of New Orleans, to sign all necessary acts of sale, or other writing necessary in the premises when the City Attorney shall have reported favorably upon the titles, viz.: One lot of ground situated about the corner of Short and Pearl streets, for use of Chemical Engine No. 9; one lot of ground situated corner Hillary and Pearl streets, for use by Steam Fire Engine Company No. 19, formerly Carrollton No. 1.

PORTER.

CITY HALL PORTER.

ART. 1739. (1) It shall be the duty of the Porter of City Hall to have all offices of the public officers promptly cleaned and prepared for their occupancy by 9 o'clock on every day, with fires lighted and supplies of coal provided in said offices whenever the same may be necessary. It shall be his duty to be in attendance at the hall during office hours, or as long as any of the city officers may be engaged in their offices, or as long as any committees of either Board of the Common Council shall be in session.

His duties.
O. S. 2099.

PORT WARDENS—See MASTER AND WARDENS.

POSTAL TELEGRAPH AND TELEPHONE COMPANY—See TELEGRAPH AND TELEPHONE COMPANY.

POUNDS.

See ANIMALS AND OFFENCES.

ART. 1740. (1) That it shall not be lawful for any person or persons, whether owners or agents, to permit any cow, horse, mule, sheep, goat, hog, pig or other animal to roam at large within the limits of the city of New Orleans, except that portion known as the Fifth Municipal District, as hereinafter provided, and all such animals shall be kept and confined within a stable or stables, a close fence or fences.

Unlawful to
roam at large.
Ord. No. 6401,
C. S.
May 31, 1892.

ART. 1741. (2) That this shall not apply to any animal or animals while being driven from their stables to points of shipment, or from points of arrival to stables; neither shall it apply to any animals while being driven to or from their stables to a pasture or pastures, or slaughtering pens; provided, however, that when so driven, such animal or animals shall be driven in the middle of the street, in charge of a keeper or keepers,

Shall not apply
when.
Ib.

who shall not be under sixteen (16) years of age; the hours for driving from stable to pasture to be from 5 A. M. to 7 A. M., from pasture to stable and from stable to pasture from 12 M. to 3 P. M., and from pasture to stable from 5 P. M. to 7 P. M.; nor shall it apply to such animals as are used as beasts of burden, while actually so used, or being driven to or from stables or farrier shops.

Limits.

Ib. ART. 1742. (3) That this ordinance is intended and shall be so construed as an extension of the pound limits to the boundary of the city of New Orleans, except the Fifth Municipal District, which shall be comprised within the following-named lines, viz.: From the river in front, to include Market street in the rear, to Vallet street, Vallet street to Newton street, Newton street to Verret street, Verret street to Lapeyrouse street, Lapeyrouse street to Madison street, to the upper line; also to include the public road along the river front from Southern Pacific Railroad Company to the lower line; and that the Commissioner of Police and Public Buildings, his pound keepers, assistants and employees be and they are hereby authorized and directed to take and impound the animals hereinbefore mentioned, within the area established by this ordinance.

Penalty.

Ib. ART. 1743. (4) That for each and every violation of this ordinance or any part thereof, the party or parties violating the same shall be fined by the Recorder of the district in which the offence is committed, in a sum not more than twenty-five dollars, and in default of payment of the fine, imprisonment in the police jail not more than thirty days.

Damage to streets, etc.

Ib. ART. 1744. (5) That for any damage caused by such animals to a street or streets, sidewalks or ditches, the owner or owners of such cattle or animals shall be held responsible and liable for the repairs of the same.

Duty of Commissioners.

Ib. ART. 1745. (6) That whenever streets, banquettes or ditches have been destroyed or damaged by cattle or animals, it shall be the duty of the Commissioner of Public Works to notify the Commissioner of Police and Public Buildings, who shall thereon publish a notice in the official journal during three consecutive days forbidding

the driving of cattle and animals upon said streets until the streets have been replaced in their previous condition by the Commissioner of Public Works.

ART. 1746. (7) That the unlawful roving of cattle and animals within the limits defined by this ordinance is meant to apply to any found running over banquettes, through or along the sides of ditches and canals, on the streets and neutral grounds, in public squares, commons, open lots, or trespassing on private property, whether said animals are in charge of a driver or not.

Extended application of unlawful roving.
Ib.

ART. 1747. (8) That the Commissioner of Police and Public Buildings shall be required to establish not less than seven pounds, one to be located in each of the seven municipal districts, under this ordinance.

Pounds. Ib.

ART. 1748. (9) That all animals and vehicles taken up by the police, by pound keepers, pound drivers or other citizens for violating the provisions of this ordinance shall be placed in the nearest pound, and the pound keeper shall be required to give a receipt to the person delivering the same, which receipt shall state the number and kind of animals received; and all horses, mules and cows and vehicles so impounded and unredeemed within twenty-four hours shall, after five days' notice by the Commissioner of Police and Public Buildings on the door of the pound, be sold at public auction by the Commissioner of Police and Public Buildings, said sale to take place on Wednesday following said notice, at 12 o'clock M., and all hogs, pigs, goats and sheep so impounded and not redeemed within forty-eight hours shall, after two days' notice on the door of the pound, be sold at public auction by the Commissioner of Police and Public Buildings. The proceeds of such sales, after deducting pound fees and all local expenses, shall be subject to the order of the owner, and if not claimed within ten days from date of sale shall be turned into the City Treasury by said commissioner, to be placed to the credit of Department of Police and Public Buildings.

Animals and vehicles impounded, how disposed of.

Ib.
Amended by Ord. No. 6695, C. S.

ART. 1749. (10) That the several pound-keepers are allowed to collect the following fines from the owner or owners of any animals, etc., impounded and no more:

Fees. Ib.

- Horse, mule or cow. (a) For each horse, mule or cow, \$2.50, 50 cents of which amount shall be paid to the party conveying the animal to the pound, and a further sum of 25 cents per day for each day such animal may remain impounded, which shall reimburse the keeper for any expense he has incurred for provender and food.
- Hog. (b) For each hog brought to the pound a fine of \$3, 50 cents of which amount shall be paid to the party conveying the animal to the pound. For each sheep impounded \$1.50, 25 cents of which amount shall be paid to the party conveying the animals to the pound. For each goat impounded a fine of \$1.50, 25 cents of which amount shall be paid to the party conveying the animal to the pound; 25 cents per day shall be allowed the pound-keeper for food furnished each hog, sheep or goat, to be paid by the owner. Upon each wagon, dray, cart or wagon, dray, cart, etc. (b) other vehicle impounded, a fine of (\$2) two dollars shall be imposed; provided, that no fines shall be exacted by the pound keeper or any person whose animal and cart, etc., have been sent to the pound because that person has been taken before a Recorder for violating some ordinance other than the pound ordinance.
- Duty of police. ART. 1750. (10) It shall be the duty of the city police to render such service or assistance as may be necessary to the pound keepers and assistants and employees in the discharge of their duty, and it shall further be the duty of each and every police officer and the right of any party aggrieved to make an affidavit against any and all persons violating any of the provisions of this ordinance.
- Releases. ART. 1751. (11) That no animals or vehicles taken up and impounded under this ordinance shall be released therefrom, except by virtue of an order from the Commissioner of Police and Public Buildings.
- Keeper. ART. 1752. (12) That the Commissioner of Police and Public Buildings is authorized to appoint, with the approval of the Council, a keeper for each district of the city and such number of assistants, of age, as he may deem necessary, for each district of the city. The pound keeper shall furnish security in the sum of five hundred (\$500) dollars, and shall receive a compensation of not

more than fifty dollars per month, as hereafter provided, and also the profits, if any, that may accrue from the keeping and feeding of animals impounded under this ordinance; the assistants shall be paid the fees which they may earn by conveying animals to the pound.

ART. 1753. (13) That it shall be the duty of the keeper of each of the pounds of the city to keep a book to be furnished by the Comptroller, in which he shall register daily all animals brought to the pound, by whom brought, and the time of their being released, and the amount of fees and fees paid, which book shall be open at all times for public inspection, under the penalty provided in section 4 of this ordinance. Moreover, the keeper shall make out and furnish to the Commissioner of Police and Public Buildings, who shall forward same to the Comptroller weekly, a detailed statement of the number and kind of animals, the amount of fines and pound fees received, and fees paid to his assistants or drivers, which fines and pound fees, less amounts paid out, as herein provided, shall be deposited with the Commissioner of Police and Public Buildings, and any pound keeper failing to furnish such statement, keep the book and make deposit as provided herein, shall be dismissed.

Duty of keeper
Ib

ART. 1754. (14) That the pound-keepers of the several city pounds are forbidden to receive, under the penalty imposed by section 4 of this ordinance, any stray animal brought by any person under twenty-one years of age.

Minors.
Ib.

ART. 1755. (15) Whoever shall attempt to rescue forcibly, or by artifice, any animals referred to in this ordinance, while being carried to the pound, or when in the pound, or attack, or interfere with the person conveying said animals to the pound, or in charge of the animals in the pound, shall be subject to the penalty imposed in section 4 of this ordinance.

Penalty for
rescuing.
Ib.

ART. 1756. (16) All moneys, after deducting assistants' or pound drivers' fees and legal expenses, collected for the city's benefit, in accordance with this ordinance, shall be turned into the City Treasury weekly.

Moneys.
Ib.

Salaries of
keepers

ART. 1757. (17) The salary of each of the pound-keepers shall be dependent upon the amount turned into the treasury for their respective districts, shall not exceed \$50 per month, as already specified, and the Comptroller is hereby authorized and directed to warrant on the Treasurer for such salary, and the Treasurer is hereby authorized and directed to pay in accordance therewith; provided, that should the revenues of one month be insufficient to pay the salaries of the said pound-keepers, the revenues of a previous or subsequent month may be used for that purpose. The intent and purpose of said provision being to make the said pounds self-sustaining.

Repealing
clause.

ART. 1758. (18) That all ordinances on the same subject matter as this ordinance are repealed.

Vehicles with-
out license
plates.

Ord. No. 8996,
C. S.
April 10, 1894.

ART. 1759. (1) That from and after the promulgation of this ordinance, it shall be the duty of the police to arrest and impound any vehicle that the license plates of which are not attached to the vehicle in a permanent manner, or any which have more plates attached than those necessary to cover the current year's license.

Fines.

ART. 1760. (2) That the several pound-keepers are allowed to collect the following fines from the owner or owners of animals and vehicles impounded and no more:

Horses.

(a) For each horse or mule \$2.50, fifty cents of which amount shall be paid to the party conveying the animal to the pound, and a further sum of twenty-five cents per day for each day such animal shall remain impounded, which shall reimburse the keeper for any expense incurred for provender and food.

Wagon, dray,
cart, etc.

(b) Upon each wagon, dray, cart or other vehicle impounded a fine of two dollars shall be imposed.

Releases.

ART. 1761. (3) That no animals or vehicles taken up and impounded under this ordinance shall be released therefrom without payment of full fee, except by virtue of an order from the Commissioner of Police and Public Buildings.

Repealing
clause.

ART. 1762. (4) That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

POWDER AND POWDER MAGAZINES—See COMBUSTIBLES.

PUBLICATIONS — See ORDINANCES AND OFFICIAL JOURNAL.

PUBLIC BATHS—See N. O. AUXILIARY SANITARY ASSOCIATION.

PUBLIC EXHIBITIONS—See AMUSEMENTS AND ENTERTAINMENTS.

PUBLIC INSTITUTIONS—See ALMSHOUSES, TRUST FUNDS, ETC., COURTS, PUBLIC SCHOOLS, PRISONS AND JAILS, ETC.

PUBLIC IMPROVEMENT FUND.

ACT 110 OF 1890.

SEC. 8. *Be it further enacted, etc.,* That out of the proceeds of said one per cent. per annum tax, beginning in the year 1892, the said Board of Liquidation shall annually provide for the carrying of the premium bond plan, the payment of the interest upon the bonds herein authorized to be issued, and of the interest upon all other outstanding interest-bearing bonds of the city of New Orleans, and after the year 1925, for the annual sinking fund necessary to call and retire the number of bonds provided for in section 9 of this act. After making, in each year, the provisions above required, and after deducting the expenses incurred by said board, and after paying any deficiency in the interest fund of any previous years, one-half of the surplus of said tax shall be passed to the credit of a special fund, to be known as the "Permanent Public Improvement Fund," to be disposed of as hereinafter provided; the other half of said surplus shall be paid over to the School Board of the city of New Orleans, in addition to any fund appropriated by said city out of other funds, to be used in the maintenance and support of the public schools in said city.

SEC. 10. *Be it further enacted, etc.,* That the "Permanent Public Improvement Fund," above provided for, shall be used exclusively for the construction of permanent public improvements in the city of New Orleans, such as levees, canals, drainage stations, pavements, public buildings, public parks and bridges, and

all ordinances passed by the City Council, to be paid out of this fund, shall first be approved by the said Board of Liquidation, who shall not draw any check on said fund unless they are convinced, upon proper inquiry, that said ordinance covers the construction of a permanent public improvement, within the purview of this act. The true interest and meaning of this clause is not to give said board any authority to say to what permanent public improvement any fund shall be applied, but only to see that said fund shall be applied exclusively to the construction of improvements that are permanent.

PUBLIC SCHOOLS.

ART. 1763. Whereas, under Act 110 of 1890, section 2 thereof, the city of New Orleans is authorized and empowered to examine into and assume the payment of the claims or obligations of the Board of School Directors for the city and parish of Orleans, due for the years 1880, 1881, 1882 and 1884, now in the hands of the original owners who have in nowise parted with their rights of ownership or pledged the same.

And whereas, the special committee of the City Council, appointed to investigate said claims, have reported to the Council the result of their labor, and have filed with said report a full list of the amount of said claims, together with the names of their respective owners, enumerating the months and nature of the service performed, which list or rolls is the result of a full and faithful investigation by said committee from the records of the Board of School Directors.

Recognizing
amounts re-
ported due.
Ord. No. 8061,
C. S.
Amended by
Ord. No. 11,103,
C. S.
Aug. 5, 1895.

ART. 1764. That they recognize as correct and binding upon the city of New Orleans the amounts reported on said rolls submitted, which said rolls aggregate the sum of one hundred and sixty-six thousand seven hundred and twenty-two 55-100 (\$166,722.55) dollars, and the same be and are hereby approved as correct.

Providing for
payment.

1b.

ART. 1765. That the said sum of one hundred and sixty-six thousand seven hundred and twenty-two 55-100 dollars be and the same is hereby assumed by the city of New Orleans as the amount due by the Board of School Directors of the city and parish of Orleans, for

the years 1880 to 1884 inclusive, said amount being for services rendered during the years 1880, 1881, 1882 and 1884, and the city of New Orleans hereby obligates itself, and the Council of the city of New Orleans is hereby directed to appropriate and set aside annually, or until such time as other provisions are made for the entire liquidation of said indebtedness from the appropriation to the public schools, the sum of twenty thousand (\$20,000) dollars toward liquidating the said indebtedness, the same to be liquidated in the order in which it was earned.

ART. 1766. That as soon as said annual appropriation is provided and promulgated by the City Council, the Treasurer, before paying the several claimants, be and he is hereby required to obtain from each claimant on the roll or rolls to be paid a certificate in the words and figures following, to-wit:

Certificates.
Ib.

I, —, do hereby pledge my word and honor that I am the original owner of the claim for services as teacher or portress of the public school for the year, and that I have in no wise parted with my right of ownership or pledged the same, and the amount set opposite my name on the rolls of the Board of School Directors for said period, and approved by the Council of the City of New Orleans, is equitably due me for services rendered, labor performed or material furnished said Board of School Directors of public schools.

ART. 1767. That it is a part of the terms of payment under this ordinance that same shall be considered as a fair and equitable settlement, and as such accepted in good faith by all parties.

Settlement.
Ib.

ACT No. 81 OF 1888.

In relation to free public schools, and to regulate public education in the State of Louisiana; to provide a revenue for the same, and impose certain penalties; and to apply fines imposed by district courts, and amounts collected on bonds, to the purpose of public education, and to provide for the payment of unpaid balances due to the public school teachers of New Orleans, for the years eighteen hundred and eighty (1880), eighteen hundred and eighty-one (1881), eighteen hundred and eighty-two (1882), and eighteen hundred and eighty-four (1884).

SEC. 1. *Be it enacted by the General Assembly of the State*

Creation of Board of Education for the State; its composition, authority and compensation of the members.

of Louisiana, That the Governor and Superintendent of Public Education, and the Attorney General, together with six citizens to be appointed by the Governor, one from each Congressional District of the State, shall be a body politic and corporate by the name and style of the Board of Education for the State of Louisiana, with authority to sue and defend suits in all matters relating to the interest of the public schools. The above specified six citizens shall receive, as compensation for their services in attending the meetings of the board, their actual traveling expenses and per diem for the number of days that the board is in session, the same as members of the State Legislature, payable on their warrants, approved by the president and secretary of the board, out of the school fund.

EX-officio members, and times of meetings of board.

SEC. 2. *Be it further enacted, etc.*, That the Governor shall be ex-officio the president, and the State Superintendent secretary. The board shall meet on or before the first Monday of December of each year, and at other times upon the call of the State Superintendent. The acts of the board shall be attested by the signature of the president.

Parochial boards of school directors.

SEC. 3. *Be it further enacted, etc.*, That the State Board of Education shall appoint for each parish in the State, except the parish of Orleans, a Board of School Directors consisting of not less than five nor more than nine qualified citizens of the parish. The Governor shall issue a commission to each of said directors. The State Board of Education shall prepare rules, by-laws and regulations for the government of the common schools of the State, which shall be enforced by the Parish Superintendents and the several School Boards, and shall give such directions as it may see proper as to the branches of study which shall be taught. The State Board shall strictly enforce a uniformity of text-books in all the public schools, and shall adopt a list thereof, which shall remain unchanged for four years after such adoption. For satisfactory reasons shown to said board, it may change said list or adopt a list generally preferred by teachers and parents in certain localities, maintaining as far as possible a uniformity of text-books and without placing parents and guardians to further expense. The adoption of such list and apparatus shall be by contract to the lowest bidder, subject to the change aforesaid, and to the best advantage as to cost to pupils.

Rules, by-laws and regulations for the government of the common schools of the State, and their enforcement.

Text books; their uniformity and changes.

Additional reports by parish superintendents.

SEC. 4. *Be it further enacted, etc.*, That the State Board of Education may require reports to be made by the Parish Superintendent whenever the interest of the common schools indicate the necessity of other reports than now required.

Term of office of members of parish boards and parish superintendents; vacancies and oaths of office.

SEC. 5. *Be it further enacted, etc.*, That the term of office of the members of the Parish School Boards and of the Parish Superintendents shall be four years from the time of their appointment. If a vacancy occurs, the unexpired term shall be filled as herein-

before provided. These officers shall take the usual oath of office, which oath shall be filed in the office of the State Superintendent of Public Education.

SEC. 6. *Be it further enacted, etc.,* That the several School Boards are constituted bodies corporate, with power to sue and be sued, under the name and style of the "Parish Board of Directors of the parish of——," as the cause may be. Citations shall be served on the president of the board.

The several school boards bodies corporated.

SEC. 7. *Be it further enacted, etc.,* That the Parish Board of Directors shall elect from their number a president. They shall elect or appoint a Parish Superintendent, who shall be *ex-officio* secretary of the board. They are authorized, in their discretion, to appoint auxiliary visiting trustees for each ward or school district, or school in the parish; such trustees to make quarterly reports to the parish board of the actual condition of, and shall make needful suggestions in all matters relating to the schools they have in charge as trustee. The Parish Board of Directors shall report to the State Board of Education all deficiencies in the school or neglect of duty on the part of teachers, superintendent or other officer. They shall visit and examine the schools in the several school districts of the parish, from time to time, and they shall meet and advise with the trustees when occasion requires (if auxiliary trustees be appointed by the board of the parish). They shall apportion the school fund to the several districts in the parish in proportion to the number of persons in the district between the ages of six and eighteen years, and shall determine the number of schools to be opened, the location of the school-houses, the number of teachers to be employed, their salary; and the said School Board is entrusted with seeing that the provisions of the law are complied with. They shall make such rules and by-laws for their own government (not inconsistent with the law) as they may deem proper. The regular meeting of each parish board shall be held on the first Saturdays of January, April, July and October, and it may hold such special and adjourned meetings as the board may determine or as occasion may require. Each member shall receive payment for his attendance at school board meetings, when the board shall hold regular sessions on the days before mentioned; provided, that the amount be not fixed by the said board at more than two dollars per diem, and provided that the whole amount expended annually shall not exceed one hundred dollars. The School Boards shall exercise proper vigilance in securing for the schools of the parish all funds destined for the support of the schools, including the State fund apportioned thereto, the poll tax collectible, and all other funds. They shall keep a record of all their transactions and proceedings. The School Boards may receive land by purchase or donation for the purpose of erecting a schoolhouse, provide

The president and secretary and auxiliary visiting trustees.

Duties of the directors of parish boards.

School funds; how apportioned.

School houses; their erection and repairs.

for and secure the erection of same, construct such buildings and enclosures as shall be conducive to the protection of the property, make repairs and provide the necessary furniture and apparatus. All contracts for improvements shall be to the lowest responsible bidder, the board reserving the right to reject any and all bids. They shall have power to recover any damages that may be done the property in their charge; they may, by a two-thirds vote of the whole board, after due notice, change the location of the schoolhouse, sell or dispose of the old site, and use the proceeds thereof toward procuring a new one.

Removals of
parish superin-
tendents and
their appeals.

SEC. 8. *Be it further enacted, etc.,* For sufficient cause the Parish Board of School Directors may remove the Parish Superintendent, subject to an appeal to the State Board of Education; provided, this appeal be taken within ten days after his dismissal. The appeal shall not have the effect of suspending the board's action of dismissal during its pendency, but the Parish Superintendent shall be reinstated if the State Board of Education decides that he was dismissed without cause, and reverses the decision of the Parish School Board.

Counsels of
parish boards.

SEC. 9. *Be it further enacted, etc.,* That the district attorney of the district, or any other attorney selected by the board, shall act as counsel for the Parish Board.

Graded, cen-
tral and high
schools, and
ordinances to
their establish-
ment.

SEC. 10. *Be it further enacted, etc.,* That the Parish School Board shall have the authority to establish graded schools, and to adopt such a system in that connection as may be necessary to assure their success; central or high schools may be established when necessary. The ordinances establishing such schools adopted by the Parish School Boards shall be submitted to the State Board of Education, and no high school shall be opened without its sanction, and no such school shall be established unless the amount be donated for the site and suitable buildings are provided for without any expense out of the school fund; provided, that the Board of Directors of the parish of Orleans shall not require the sanction of the State Board for the purposes aforesaid. The School Boards shall have the authority to assess and collect one dollar per annum on each family, surviving parent or guardian, who actually sends a child or children to the common schools of the district, to be collected in such manner as said board shall determine, which amount shall be used in providing the school-house with fuel, and defraying the expenses necessary for the comfort of the school.

Fuel account;
how provided.

SEC. 11. *Be it further enacted, etc.,* That it shall be the duty of the Parish Board with the Parish Superintendent to divide the parish into school districts of such proper and convenient area and shape as will best accommodate the children of the parish. The Parish Boards shall, as soon as practicable, proceed to the work imposed upon them, and upon completing this work they

School dis-
tricts; how
created.

shall make a report to the Parish Superintendent, which report shall contain the boundary and description of the said district designated by number. The Parish Superintendent shall record the same in a well-bound book kept by him for the purpose, which book shall be held by said Parish Superintendent, and be at all times open to inspection. The Parish Board, if they deem it to the best interests of the schools, may divide the parish into districts without reference to the wards in the parish.

SEC. 12. *Be it further enacted, etc.*, That the Parish Superintendents of two adjoining parishes, where the division line intersects a neighborhood whose convenience requires it, may lay off a district composed of parts of both the parishes. Such districts shall be reported, together with the census of school children only as belonging to the parish in which the schoolhouse may be situated, by the Parish Superintendent of the parish; and report shall be made by the assessor and Parish Superintendent as though it lay entirely in the parish.

School districts in two adjoining parishes; how laid out.

SEC. 13. *Be it further enacted, etc.*, That where two school districts adjoin, it shall be lawful for the children of either of the said adjoining districts to be taught in and at such schoolhouse as shall be most convenient to them; provided, that their tuition fees shall be paid to the district in which they are taught, and that no change be made without the assent of the School Boards of the respective parishes.

Option of school children as to two adjoining school districts.

SEC. 14. *Be it further enacted, etc.*, That the branches of orthography, reading, writing, arithmetic, geography, grammar, United States history and laws of health shall be taught in every district. In addition to those, such other branches as the State Board of Education and the Parish School Board may require; provided, that these elementary branches may be also taught in the French language in those parishes in the State or localities in said parishes where the French language predominates, if no additional expense is incurred.

What branches shall be taught in every district, and in French or English in those localities where French language predominates.

DUTIES OF OFFICERS.

SEC. 15. *Be it further enacted, etc.*, That the president shall preside at the meetings of the board, call special meetings when necessary, advise with and assist the parish superintendent in promoting the success of the schools, and generally do and perform all other acts and duties pertaining to his office of president of the board. All deeds and contracts for the schools, including those with teachers, are to be signed by him; the latter also by the parish superintendent.

Duties and powers of the president of parish school boards.

SECRETARY.

The secretary shall keep full minutes of all proceedings of the board in a book provided for the purpose, and shall do and perform all other acts and duties legally pertaining to the office of secretary of the board.

Of the secretary.

STATE SUPERINTENDENT OF PUBLIC EDUCATION.

Office for the State Superintendent, and what shall be filed therein.

SEC. 16. *Be it further enacted, etc.,* That an office shall be provided for the State Superintendent of Public Education at the seat of government, in which he shall file, each year separately, all papers, reports and public documents transmitted to him by the board and officers whose duty it is to report to him, and hold the same in readiness to be examined by the Governor whenever he sees proper, and by any committee appointed by the General Assembly; and he shall cause to be kept a record of all matters appertaining to his office. In case of vacancy in the office of Superintendent of Public Education the Governor shall fill the vacancy and submit the name of the appointee to the Senate for confirmation at the first session held after the appointment.

Vacancies in the office of State Superintendent; how filled.

Salary of State Superintendent; office fixtures, stationery, books, etc.—and clerk and porter.

SEC. 17. *Be it further enacted, etc.,* That the salary of the Superintendent of Public Education shall be two thousand dollars per annum, besides which he shall be entitled to office fixtures, stationery, books, fuel and lights, needed to carry on the work of his office. He shall have the authority to appoint a clerk and a porter, and prescribe the duties of each; provided, that the entire expenses of his office, including salaries, postage and incidentals, shall not exceed the specific appropriation therefor, payable in monthly instalments, out of the current school fund, by the Treasurer of the State, upon the warrants of the State Superintendent.

Supervisory duties of the State Superintendent.

SEC. 18. *Be it further enacted, etc.,* That the State Superintendent of Public Education shall have general supervision of all boards of education, and of all common, high and normal schools of the State, and shall see that the school system is carried into effect properly. He shall visit the several parishes of the State whenever practicable, at least once a year, and shall give due notice of the time of his intended visit to the parish superintendent, whose duty it shall be to meet and confer with the State Superintendent on all matters connected with the interest of the common schools of the parish; while engaged in this duty his actual expenses shall be paid out of the current school fund, but shall not in any case exceed the amount appropriated per annum for the purpose.

What account he shall specially keep.

SEC. 19. *Be it further enacted, etc.,* That he shall keep an account of all orders drawn or countersigned by him on the Auditor, of all returns of settlements, and make note of all changes in the appointment of school treasurers; whenever required, any part of this account or note of change shall be furnished by the Auditor.

Biennial report of the State Superintendent and what it shall contain, and number of copies to be printed, and distributed and exchanged.

SEC. 20. *Be it further enacted, etc.,* That he shall biennially, on or before the meeting of the General Assembly, make a report of the condition and progress made and possible improvements to be made in the common schools; the amount and condition of the

school funds; how its revenues, during the two previous school years, have been distributed; the amount collected and disbursed for common school purposes from local taxation or from any other source of revenue, and how the same was expended.

This report shall contain an abstract of the parish and city superintendents' reports. He shall communicate all facts, statistics and information as are of interest to the common schools. He shall cause to be printed a copy for each school district in the State two hundred copies for the use of the members of the Legislature, and to exchange with the superintendents of public instruction of other States, and three hundred copies for distribution by the Superintendent.

SEC. 21. *Be it further enacted, etc.,* That the superintendent in his report shall set forth the objects, make suggestions which may be of interest and promote the success of the institution of the blind and the deaf and dumb. The superintendents of these institutions shall annually, by the first day of March, furnish the State Superintendent of Public Education such statements of their respective institutions as may be necessary to enable him to make a full and satisfactory report.

Suggestions biennially required as to the institution of the blind, deaf and dumb.

SEC. 22. *Be it further enacted, etc.,* That certified copies of record and papers in his office shall in all cases be evidence as admissible as the original.

Certified copies of his records and papers admissible evidence.

SEC. 23. *Be it further enacted, etc.,* That it is made part of his duty to report all neglect of duty or any improper uses made of school funds to the State Board of Education whenever it may come to his knowledge.

His duty to report all neglects of duty and improper uses of school funds.

SEC. 24. *Be it further enacted, etc.,* That the State Superintendent shall decide all controversies or disputes that may arise or exist among the directors, or between the superintendents and the board, and between the superintendents and teachers concerning their respective duties. The facts of these controversies or disputes shall be made known to him by written statements by the parties thereto, verified by oath or affirmation, if required, and accompanied by certified copies of all necessary minutes, contracts, orders or other documents. An appeal may be taken from his decision to the Board of Education; provided, it be taken within fifteen days after his decision shall have been made. When called upon by the Superintendent of Public Education, the Attorney General shall give his opinion in regard to any controversy or dispute. The Superintendent of Public Education shall, when required, give advice, explanations, constructions or information to the district officers and superintendents and to citizens relative to the common school law; the duties of common school officers; the rights and duties of parents, guardians, pupils and all officers; the management of the schools, and all other questions calculated to promote the cause of education.

The State Superintendent to decide all controversies and disputes among the directors, superintendents and teachers, subject to appeal to the State Board, and with the help of Attorney General when he desires it.

PARISH SUPERINTENDENT.

Qualifications
and salary of
parish superin-
tendents.

SEC. 25. *Be it further enacted, etc.,* That there shall be a Parish Superintendent in each of the parishes of the State, the parish of Orleans excepted, who shall be possessed of moral character and ability to manage the common school interests of the parish. He shall be of age. His salary shall not be more than two hundred dollars per annum for his services as Superintendent and secretary as herein provided.

Their visiting
duties.

SEC. 26. *Be it further enacted, etc.,* That he shall during the year visit, once at least, each district school in the parish, and he shall exert his best endeavors in promoting the cause of common school education.

Additional
compensation
to parish super-
intendents
when allowable

SEC. 27. *Be it further enacted, etc.,* Whenever his services are quite efficient and highly satisfactory to the School Board, it is authorized in its discretion to allow an amount sufficient to the Parish Superintendent to defray his expenses in visiting all the schools in his parish. The amount allowed shall never exceed one hundred and twenty-five dollars per annum. Prior to any payment for expenses in visiting the schools, he shall make a written report respecting the condition of each school examined, and shall make it appear that he has devoted at least three hours in examining each school visited. The School Board is also authorized to defray his expenses to attend annually the convention of superintendents.

Committee
for the selection
of teachers;
how constituted,
ed.

SEC. 28. *Be it further enacted etc.,* That the president of the School Board and a member appointed by the board, also the Parish Superintendent, shall constitute a committee, and shall as such appoint the teachers of the common schools for his parish, and fill vacancies in the order of merit as hereinafter provided. At the first meeting of the board after the appointment, it shall be noted in each instance in the minutes of its proceedings.

Report of
school children
in each parish
and district;
when and by
whom to be
made.

SEC. 29. *Be it further enacted, etc.,* That it shall be the duty of each Parish Superintendent, on or before the 10th day of January of each year, to cause to be placed in the hands of the State Superintendent of Public Education a report showing the number of children between the ages of 6 and 18 years residing in the parish, and the whole number residing in each district designated by its number. He shall take the items of his report from the assessor's returns showing the said number of children, but he shall assure himself of its correctness, and so attest before a competent officer.

SEC. 30. *Be it further enacted, etc.,* That he shall, previously to the fifteenth day of January, mail to the State Superintendent of Public Education his official report, showing in tables an aggregate of the school districts in his parish by number, the districts in which schools were taught and the length of time taught, the highest, the lowest and the average number of children at

school, the cost of tuition of each child for the session and per month, number of private schools, academies and colleges taught in the parish and the length of session of same; the number of teachers employed, male and female, for the common schools, the average wages of male teachers, female teachers, the amount of money raised for school purposes in the parish by local tax or otherwise, and for whose purpose it was disbursed; the number and kind of school houses and the value of each, the number built during the year preceding the report, the number of district libraries and the number of volumes in each, and the increase during the year, the amount received and expended. In case of his neglect or failure to make this report in time, as required, he shall forfeit the sum of twenty dollars of his annual salary.

SEC. 31. *Be it further enacted, etc.,* That each Parish Superintendent shall keep a record of all the business transacted by him as Parish Superintendent, the names and numbers and description of school districts, and all other papers and documents of value connected with his office, at all times subject to inspection and examination by any school officer or other person interested in any question pertaining to the common school.

SEC. 32. *Be it further enacted, etc.,* That the Parish Superintendent may administer the oath required of any of the officials of the common schools, or of any person required to make oath in any matter relating thereto, except to qualify directors.

SEC. 33. *Be it further enacted, etc.,* That he shall attend at his office at the parish seat on the first Saturdays of January, April, July and October, in each year, and at such other times as may be necessary for him to receive the reports of teachers and others, and to transact the business required of him.

TEACHERS' INSTITUTE OR ASSOCIATION.

SEC. 34. *Be it further enacted, etc.,* The Parish Superintendent may devote the first Saturday of each month during the time the common schools are in session in each parish, to holding institutes for the improvement of teachers in their qualifications and methods of teaching, and for the discussion of topics pertaining to the advancement of the public school interest in the parish.

SEC. 35. *Be it further enacted, etc.,* That the teachers shall be notified of the time and place of the monthly institute meeting. Teachers failing to be present, or to take such part in the exercises as the superintendent may assign or designate, shall forfeit one day's salary (which forfeited salary shall be paid to the institute fund), unless a good and sufficient reason for such failure to attend shall be given in writing to the Parish Superintendent within ten days thereafter. No teacher shall be bound to attend the institute who to do so, shall have to travel a greater distance than ten miles each way, and otherwise than by land.

Annual reports of parish superintendent; when and to whom made; what it shall embrace, and penalty for failure or neglect to make the report.

Their records of business transactions; descriptions of school districts, and custody of papers and documents.

They may administer certain oaths.

Reports of teachers and others; when and where to be received.

Parish superintendent holds institutes for the improvement of teachers.

Attendance of the teachers obligatory.

Length of legal sessions, and forfeiture for non-attendance.

SEC. 36. *Be it further enacted, etc.,* Three hours' work shall be required to constitute a legal session of one institute, and the Parish Superintendent shall forfeit five dollars for each institute that he fails to conduct as required by this act, unless physically unable to attend, or for other sufficient excuse, to the satisfaction of the School Board.

Honorary and active members of these institutes.

SEC. 27. *Be it further enacted, etc.,* These institutes may receive as members, honorary or active, the members of the board, all officers, and any citizen of good moral character as may desire to become a member, subject to the rules and regulations, and to the payment of such dues and fines as may be imposed by a quorum of the said institutes.

Roll of members.

SEC. 38. *Be it further enacted, etc.,* That each Parish Superintendent, upon the assembling of the teachers' institute of his parish, shall cause a roll of members to be prepared, which roll shall be called at least twice a day during the session of the institute, and all absentees shall be carefully marked. He shall ascertain the number of teachers who were in attendance, and length of time each attended, and he shall keep a record thereof.

Parochial managers of institutes; their qualifications and duties.

SEC. 39. *Be it further enacted, etc.,* That the Parish Superintendent, before the beginning of the free school term, shall appoint one of the best qualified teachers of his parish as institute manager for each institute district, should there be more than one institute in the parish: and such appointees shall each be paid for actual services two dollars and a half per day out of the institute fund as compensation for holding institutes, and for assisting the Superintendent during the session.

Institute funds; how collected, kept and expended.

SEC. 40. *Be it further enacted, etc.,* That all institute funds shall be collected and receipted for by the superintendent. He shall keep a record of the amount received, hand them over to the treasurer of the School Board, who shall keep a separate account of these funds. He shall pay them out on the warrant of the superintendent, countersigned by the president of the School Board. These funds shall be expended only in the interest of the institutes. The superintendent, for all services in connection with these institutes, shall be paid three dollars a day out of said fund for each day he will cause the said institute to hold under his personal superintendence, and for each day's attendance as provided for in section thirty-four (34).

Institute provisions not applicable to the parish of Orleans.

SEC. 41. *Be it further enacted, etc.,* The foregoing sections having reference to parish institutes shall not apply to the parish of Orleans, but the School Board of said parish may inaugurate and carry on such institute in the manner and with the power and authority set forth above.

Institutes ordered by the State board; how held and attended.

SEC. 42. *Be it further enacted, etc.,* That other institutes may be held when ordered by the State Board of Education or under special laws ordering such institutes to be held. These shall be held at any time ordered by authority between the first day

of April and the first day of October. Every teacher of a common school must attend the sessions upon penalty for non-attendance, and if satisfactory excuse has not been rendered to the Parish Superintendent of forfeiting two days' pay. Those sessions, *i. e.*, those provided for by this session, shall not be held during a longer time than four days; during which there shall be vacation of the common schools of the parishes, to give opportunities to the teachers to attend, and no reduction of the teacher's salary shall be made during said vacation; provided, he was in attendance the full time of the session of the institute. These institutes, held under this section, shall, as far as possible, be held in some town centrally located, and teachers from as many parishes as can conveniently attend shall be notified to attend. This notice they shall obey, under the penalty, if not obeyed, before mentioned. That at each session of the institute every subject embraced in the common school cause shall be brought before the institute; also, shall be considered the whole work of the teacher, and the common school laws of the State shall be read and expounded.

SEC 43. *Be it further enacted, etc.*, That the Parish Superintendent, in his annual report to the State superintendent, shall state the time and place teachers' institutes were held; the name of the persons conducting the same; the number of persons registered as in attendance; the sums collected; the number and names of teachers of common schools in the parish who did not attend the institute, and such other information of the proceedings and results of the institute as he may deem of value and interest.

Obligatory reports as to these institutes.

SEC. 44. *Be it further enacted, etc.*, That it shall be the duty of the Parish Superintendent to conduct or superintend in person the examination of all persons offering themselves as candidates for position of teachers of the common schools of his parish (except in cities and towns organized as one district by special act of the General Assembly; except also, when the applicant holds a certificate entitling him to teach without further examinations, as provided for in this act), in regard to their moral character, learning and ability to teach. For any violation of this duty he shall be liable to a fine of not less than twenty dollars nor more than fifty dollars. The School Board of the parish shall appoint a committee of two competent persons to assist him (the Parish Superintendent) in making these examinations. The Superintendent and the committee must agree as to competency of the applicant before a certificate can be issued. Whenever two or more teachers apply for the same position or positions, a competitive examination shall be held, and the position or positions shall be given to the most competent.

Examination of candidates for positions of teachers; by whom and how conducted.

EXAMINATION FEE.

Prerequisite
fee from candi-
dates for ex-
amination.

SEC. 45. *Be it further enacted, etc..* Before being examined each applicant for a certificate to teach shall pay a fee of one dollar for the parish Institute Fund, which shall be returned to him if a certificate be not issued.

Duties and
powers of ex-
aminers, and
penalties for
malfeasance.

SEC. 46. *Be it further enacted, etc.,* Before the examiners shall commence their examination of teachers they shall take an oath that they will faithfully discharge their duties; they shall not give to any person a certificate before they will have examined the candidate, touching his or her qualifications and fitness to teach, and who is not qualified to teach as required by the common school law. They shall be satisfied that the applicant is possessed of good moral character; if at any time the teacher be found incompetent, inefficient or unworthy of the endorsement given him, the Parish Superintendent may revoke the same and notify the board of his action for its approval or disapproval. Any teacher may be discharged at any time under the above provisions, but he shall be entitled to receive payment for services only up the time of such dismissal.

GRADES OF CERTIFICATES.

Qualifications
for a third
grade certi-
ficate.

SEC. 47. *Be it further enacted, etc.,* To obtain a third grade certificate the applicant must be found competent to teach spelling, reading, primary mental arithmetic, rudiments of practical arithmetic through fractions and simple interest, elementary geography, primary language lessons and laws of health.

Ditto for sec-
ond grades.

SEC. 48. *Be it further enacted, etc.,* To obtain a second grade certificate the applicant must be found competent to teach arithmetic, geography, English grammar and composition, United States history, elements of natural philosophy and elements of physiology.

Ditto for high
school or first
grades.

SEC. 49. *Be it further enacted, etc.,* To obtain a high school or first grade certificate, the applicant must be found competent to teach elocution, spelling, grammar, rhetoric and literature, history, botany, philosophy, arithmetic, algebra, geography and geometry, and such other studies of high grade as local boards may deem necessary. A special certificate of this grade may issue on a satisfactory examination in the study or studies to be taught in any special academic department, which shall entitle the holder to special appointment in a department where such studies may be taught.

Prerequisite
of an annual
license.

SEC. 50. *Be it further enacted, etc.,* That no person shall be appointed to teach who has not obtained a license for the scholastic year in which the school is to be taught, and of a grade sufficiently high to meet the requirements of the school, or unless he or she holds a certificate provided for by this act which exempts him or her from examination; provided, that all teachers

who have been teaching three years are exempt from further examination.

SEC. 51. *Be it further enacted, etc.,* That it shall be the duty of each teacher of a common school to keep such a register of the school as the Parish Superintendent may require, and prior to receiving his or her monthly salary at the end of each month, he or she shall make a report of the entire number of pupils enrolled, the highest, lowest and average number of pupils in attendance during the session; the books used, branches taught, number of pay pupils, if any and such other information as the Parish Superintendent, may deem important, and shall furnish a copy of such report to the Parish Superintendent, and if he or she wilfully neglect or fail to do this, the Parish Superintendent shall withhold two dollars (\$2) of his salary due, for the benefit of the parish institute.

Exception as to examination for all three years' teachers.

School register and monthly reports from each teacher obligatory.

SEC. 52. *Be it further enacted, etc.,* That the teachers shall faithfully enforce in school the course of study and the regulations prescribed in pursuance of law, and if any teacher shall wilfully refuse or neglect to comply with such requisitions the Parish Superintendent, on petition or complaint which shall be deemed sufficient by the board, may remove or dismiss him or her. Every teacher shall have the power and authority to hold every pupil to a strict accountability in school for any disorderly conduct on the play-grounds of the school or during intermission or recess, and to suspend from school any pupil for good cause; provided, however, that such suspension shall be reported in writing as soon as practicable to the Parish Superintendent, whose decision of the case shall be final; and, provided further, that in the parish of Orleans the principals of schools shall suspend and report same to the Superintendent for approval or further action.

Accountability of pupils to teachers.

REVENUE.

SEC. 53. *Be it further enacted, etc.,* That the State Superintendent of Public Education shall quarterly, on the first Monday in March, June, September and December, in each year, apportion the funds appropriated by the General Assembly for the support of the common schools of the State, among the seven parishes of the State, according to the number of children between the ages of six and eighteen years in each parish; provided, however, that all the poll tax collected in any parish shall be appropriated to said parish. The amount so apportioned shall be paid by the State Treasurer to the school treasurer of each parish upon the warrant of the State Superintendent of Public Education.

Quarterly apportionment of school funds.

SEC. 54. *Be it further enacted, etc.,* That the police jurors of the several parishes, and the Board of Trustees, Aldermen and legal representatives of cities, towns and villages (except the parish of Orleans), may levy for the support of the common schools of

Police Jurors and Boards of Trustees. Aldermen and legal Repre-

representatives of cities, towns and villages (except the parish of Orleans) to levy one and a half mills for school purposes in their annual budgets.

Compulsory proceedings in case of their failure or refusal.

Fines and forfeited bonds applicable to the support of common schools.

The parish treasurer to be school treasurer.

His bond as such; its obligations and registry.

their respective parishes not less than one and a half mills of the ten mills tax on the dollar of the assessed valuation of the property thereof. This shall be provided for in their annual budgets. On the refusal or neglect to levy said tax or to vote for such levy, the Parish School Board shall have the right, and it shall be its duty, to compel by mandamus, which may be tried in chambers or in open court, the levy of said tax to be collected as in case of parish and corporation taxes, and shall be paid to the school treasury of the parish or town where collected, monthly, by the tax collector; provided, towns not exempted under their charters from the payment of parish taxes, and subjected to the burden of taxation as the parishes are, shall not pay this tax, for same is included in the taxes imposed by the parish in which the town is situated.

SEC. 55. *Be it further enacted, etc.,* That all fines imposed by the several district courts for violation of law and the amount collected on all forfeited bonds in criminal cases, after deducting commissions, shall be paid over by the sheriff of the parish in which the same are imposed and collected to the treasurers of the School Boards in said parishes, and shall be applied to the support of the common schools, as are applied the other funds levied for the purpose, the parish of Orleans excepted.

SCHOOL TREASURER.

SEC. 56. *Be it further enacted, etc.,* That the parish treasurer in every parish (the parish of Orleans excepted) shall be and is constituted the treasurer of all school funds apportioned by the State to such parish, or raised, collected or donated therein for the support of the free public schools; he shall receive and receipt for all such funds to the treasurer of the State, and to the collector of parish taxes.

SEC. 57. *Be it further enacted, etc.,* That immediately upon the passage of this act and thereafter before he enters upon the duties of his office the Parish Treasurer of each parish who shall be elected after the passage of this act, shall, in addition to the bond required by existing law, execute a bond in favor of the Governor of the State, with good and solvent security, in a sum equal to the amount annually apportioned to the parish; the sureties on said bond shall be residents of the parish and shall own therein real estate worth over and above all encumbrance the amount of their obligations thereon; said bond must be accepted by the president of the Board of Directors and the Clerk of the District Court, who shall record the same in the mortgage book of the parish, and shall forward to the State Superintendent of Education and to the State Treasurer a copy of said bond with a certificate of its acceptance and registry endorsed thereon.

SEC. 58. *Be it further enacted, etc.,* That said Treasurer, immediately upon the acceptance of his bond, shall demand of his

predecessor in the office of the Treasurer of the school funds the custody of all books and papers, and of all balances of school money in his hands as custodian of the school funds of the parish.

SEC. 59. *Be it further enacted, etc.,* That said Treasurer shall pay out the school funds entrusted to his charge only on warrants drawn by the president and countersigned by the secretary of the Parish School Board, and shall state against what school district fund it was drawn, which warrants shall be drawn by these officers only in virtue of appropriations regularly made by the Parish Board; the Parish Board shall make annually an estimated of the amount of revenue for the year, appropriating the same as above required, and no warrant beyond the amount estimated shall be drawn for any year. These warrants shall be numbered and shall specify on their face to whom and for what they are given, and the date of the appropriation made by the School Board; the Treasurer shall pay these warrants only to the extent of the amount to the credit on his books and in the order in which they are presented, of school districts, in behalf of which the warrants shall have been drawn, and said warrants shall be filed in his office as vouchers, and with the account book kept by him as Treasurer of the school fund shall always be subject to examination by any one who chooses to examine them.

The transfer
of school funds.

How school
funds are dis-
bursable.

Annual esti-
mate of reve-
nues.

SEC. 60. *Be it further enacted, etc.,* That the compensation of the treasurer shall be a sum to be fixed by the State Board of Education, for each parish, according to its territorial area and the amount of funds to be disbursed; but in no case shall it exceed two and a half per cent. on the amount disbursed by him as shown by his vouchers.

Compensation
of the trea-
surer.

SEC. 61. *Be it further enacted, etc.,* That it shall be the duty of the treasurer to furnish to the Parish Board accounts of his receipts and disbursements as often as required by them, and before the 10th day of January, annually, he shall forward to the State Superintendent of Public Education, in such form as he shall prescribe, a full report of his receipts and disbursements for the year, and of the balance on hand to the credit of each ward or school district, and the indebtedness outstanding on the first day of January; provided, the foregoing sections do not apply to the treasurer of the board for the parish of Orleans.

Annual ac-
counts of re-
ceipts and dis-
bursements;
when required
and how made.

CITY SCHOOLS.

SEC. 62. *Be it further enacted, etc.,* That all public schools of the parish of Orleans and the property and appurtenances thereof shall be under the direction and control of a Board of Directors. Said board shall consist of twenty members, eight of whom shall be appointed by the Governor, by and with the consent and approval of the State Board of Education, and twelve members thereof shall be elected by the City Council of New Orleans.

School board
of directors of
the parish of
Orleans; how
constituted;
term of office;
division of the
members into
classes; vacan-
cies; how filled

The members of said board shall hold office during four years after their appointment and election, except as hereinafter provided, and until their successors are appointed or elected and qualified. On the first organization of said board by the members thereof, who shall be appointed and elected on the passage hereof, and in the manner aforesaid, the members shall be divided into four classes, by such method as they may choose, each class to consist of three members elected by the City Council, and two members appointed by the Governor, by and with the consent and approval of the State Board of Education, whose terms shall expire respectively in one, two, three and four years, and whose successors shall be elected and appointed for four years, and in the manner set forth above; so that one-fourth of the membership of said board shall expire and be elected and appointed annually. Vacancies in membership shall be filled by the appointive or elective power, as herein provided.

Said board; when to be organized; its duties and powers and its attorney.

SEC. 63. *Be it further enacted, etc.,* That the said Board of Directors of the public schools of the parish of Orleans shall be a body corporate in law, with power to sue and be sued.

Eleven members shall constitute a quorum for the transaction of business. Legal process shall be served on the president; in his absence or inability to act, on the vice president. The City Attorney shall act as attorney for the board. The board shall be organized within ten days after its appointment, with a president and vice president chosen from among its members, and a secretary, who shall not be a member of the board. The salary of the secretary shall not exceed the sum of eighteen hundred dollars (\$1800) per annum. In addition to the duties of his office, which may be duly prescribed by the board, he shall make a quarterly report to the State Superintendent of Education of the cost of maintaining the city schools, and shall keep the accounts of said board in such manner as to be in strict accordance with such budget as they may adopt, certifying to said board at each monthly meeting the expenses of said board of each current month. Said board shall have control of all buildings, records, papers, furniture and property of any kind pertaining to the administration of the schools and shall have the management of all the public schools within the limits of the city of New Orleans. The expenses of said board for its stationery and other purposes shall not exceed twelve hundred dollars per annum, this limitation not to apply to the schools or teachers, but simply to the expenses of the board. The salary of the secretary shall be paid in the same manner as hereinafter provided for the payment of the salary of the Superintendent.

Salary and duties of the secretary.

Limitation of expenses as to stationery.

Additional powers of the board of directors of the parish of Orleans.

SEC. 64. *Be it further enacted, etc.,* That in addition to the powers and duties hereinbefore granted to and imposed upon Parish Boards, the powers and duties of said Board of Directors of the parish of Orleans shall be as follows:

First. It shall adjust and fix equitably the salaries of teachers and porters or portresses employed in the schools, and of the secretary and employees and of such assistant superintendents as it may deem necessary for the efficient supervision of the schools.

The adjustment of the salaries of teachers, porters and portresses.

Second. It shall limit the annual expenses of maintaining the schools to the annual revenue, and the expense for any one month shall not exceed the one-ninth part of the whole amount provided for the schools.

Limitation of annual and monthly expenditures.

Third. It shall prescribe rules for subjecting teachers, or candidates for teacherships, to a careful competitive examination on all such branches as they are expected to teach, and no person shall be elected to a position as teacher without a favorable report on his or her moral and mental qualifications by an organized committee of examiners appointed by the board. Teachers regularly examined and elected shall not be removed from the schools during the time for which employed, except on written charges of immorality, neglect of duty, incompetency or malfeasance, of which he or she shall have been found guilty by a majority of the members of the board at a regular monthly meeting. The said board may except from such examination any person who has passed a satisfactory examination, as required by Act No. 23 of eighteen hundred and seventy-seven, approved March twenty-sixth (26th), eighteen hundred and seventy-seven (1877), and who holds a certificate of qualification, and who has had two years or more experience as a teacher, so that the calling of a teacher shall be elevated to a profession, and that a system of life certificates shall be issued to all such teachers in the city of New Orleans by the Board of Directors of city schools; any person who is a graduate of a State normal school, or of any college or university duly authorized to confer degrees, certificates of qualifications shall be given to all persons who successfully pass such examination.

Rules for competitive examinations.

Fourth. It shall elect all teachers from among the candidates holding certificates in the order of their merit, as shown by such examination, including graduates of normal schools, as shown by the averages attained at their final examinations, or from among persons excepted from examination as hereinbefore provided.

Election of teachers from among candidates holding certificates and graduates of normal schools.

Fifth. All certificates to teachers granted hereafter shall stand good for three years; upon a second examination at the end of three years certificates of a higher grade shall be given, to be good for five years, if the applicant is found competent to teach a higher grade school than the one for which the first certificate issued.

Certificates to teachers good for three or five years.

Sixth. It shall hold regular monthly meetings on a day fixed by it.

Seventh. It shall declare vacant the position of any of its members who shall have failed to perform the duties assigned to him, or have absented himself from two successive monthly meetings of the board without leave, or have been guilty of any

Regular monthly meetings.

Vacating seats of members of board for absence from two successive meetings and for other causes.

breach of decorum or of any other act inconsistent with the dignity of a school director; and it shall report each vacancy to the body by which the delinquent member shall have been previously elected or appointed; it shall be the duty of the Board of Directors of city schools elected and appointed under the provisions of this act to examine and scrutinize personally the accounts of their predecessors in order to find out if their administration of the school funds, committed to their charge for disbursement, has been in accordance with law, so that in the future a proper administration of the city schools may be had.

The establishment of evening and night schools.

Eighth. It may establish, when practicable, evening or night schools for the instruction of such youths as are prevented by their daily vocations from receiving instructions during the day.

The establishment of one or more normal schools, and the graduation of their pupils.

Ninth. It may establish, when deemed advisable, one or more normal schools or departments for the professional training and improvement of candidates for teacherships, including in the course of instruction and training lectures in the natural sciences, and on the method of teaching and disciplining children and the practical exercise of non-teaching students in model classes, organized for that purpose by the faculty of the institution. To graduates of these normal schools or departments, and also to proficient students in other city schools of an academic grade, the board may, in its discretion, award diplomas; and the graduates of the normal schools or departments who shall have been examined and found proficient in all the branches required to be taught in the public grammar schools may be deemed preferred candidates for vacant positions in the city public schools, and the diplomas awarded to such graduates shall be deemed equivalent to teaching certificates of the highest grade for common schools; provided, that the final examination for graduation from said normal schools, and upon which diplomas may be awarded, shall be conducted in the same manner and include the same subjects as the public competitive examinations required by paragraph three (3) of this section.

No compensation allowable to New Orleans school directors.

SEC. 65. *Be it further enacted, etc.,* That no school director of the city of New Orleans shall receive compensation for his services as a school director.

Superintendent for parish of Orleans; his duties and powers.

SEC. 66. *Be it further enacted, etc.,* That the said board is authorized to appoint for the constant supervision and periodical examination of the public schools of the parish of Orleans a competent and experienced educator to be designated as Superintendent. He shall aid the directors in organizing the schools and in improving the methods of instruction therein, in examining candidates for teacherships, and in conducting periodical examinations of pupils for promotion through the respective grades of the schools, and in maintaining general uniformity and discipline in the management of all the schools.

He shall make semi-annual reports on the condition and needs of the schools, to the said board, and an annual report, on or before the first of January, to the State Board of Education, as hereinbefore required; and, whenever notified to be present, he shall attend meetings of the State Board of Education. The Superintendent shall receive an annual salary of two thousand dollars, payable in equal monthly instalments, payable on the roll of the Board of Directors of City Schools in the same manner and at the same time that the employees and expenses of said Board of Directors are paid. He shall hold his office for the term of four years, subject to removal by the board for neglect of duty or malfeasance, of which, after an impartial hearing by the board, he shall have been adjudged guilty. He shall be *ex officio* a member of said board and entitled to participate in its deliberations and debates, and in the examinations of candidates for teacher-ships, but he shall not cast a vote in the board.

His salary and term of office.

SEC. 67. *Be it further enacted, etc.,* That the Treasurer of New Orleans shall *ex officio* be the treasurer of said board, and shall receive all funds apportioned by the State to such city, or received or collected for the support of the free public schools from any and all sources. He shall give bond with good and solvent security in the sum of ten thousand dollars (\$10,000), in favor of the president of said board and his successors in office, to be accepted and approved by said board and recorded in the Mortgage Office of the parish, and which bond shall then be filed and kept on record in the office of the said board. The filing of said bond and taking and filing the usual oath of office before any officer authorized to administer the same shall qualify the treasurer to act.

The Treasurer of New Orleans *ex officio* treasurer of the board; his bond and filing thereof.

SEC. 68. *Be it further enacted etc.,* That said treasurer shall hold his office for four years, or during his term of office as City Treasurer, unless sooner removed after due trial and hearing by the said board, for neglect of duty or malfeasance in office; and in case of removal by the board, it shall elect a treasurer who shall not be a member. He shall receive the sum of six hundred dollars per annum for the trouble and expenses which may be incurred by him in the discharge of the duties imposed under this act, payable monthly on his own warrant, as hereinbefore provided for the payment of the Superintendent's salary. He shall keep his office open at all such times as may be prescribed by said board, for the payment of payrolls or checks in favor of teachers and other employees of the board.

His term of office; removal, and election of a successor; salary.

SEC. 69. *Be it further enacted, etc.,* That the Mayor, Treasurer and Comptroller of the city of New Orleans shall be *ex officio* members of the said board and entitled to take part in all the debates and deliberations in the said board on the ways and means for maintaining the public schools of said parish, but they shall not have the right to vote.

Ex-officio members of city school board.

Annual report of the board; when and to whom made, and what it shall embrace.

SEC. 70. *Be it further enacted, etc.*, That in addition to the duties imposed upon boards of school directors, it shall be the duty of said board for the parish of Orleans to present to the Common Council, of the city of New Orleans, on the first day of December of each year, a full report of the condition of the city schools, showing the number of teachers and other employees and their salaries; the number and location of school houses, with the condition thereof, and the estimated cost of keeping all appurtenant grounds in good repair during the ensuing year; also a detailed exhibit of all receipts and expenditures of the board of the schools during the previous twelve months; said report shall be accompanied with a statement certified by the officers of the board of the average daily attendance of pupils during the annual session, and the average expense per capita of their instruction.

What City Council of the city of New Orleans shall include for the support of the schools in making up their budget of annual expenses.

SEC. 71. *Be it further enacted, etc.*, That it shall be the duty of the Common Council of the city of New Orleans, in making up their budget of annual expenses, to include therein the amount necessary to meet the expenses of the schools, as shown by the statement of the actual attendance and cost of instruction required by the preceding section, with such additional allowance for probable increased attendance and contingent expenses as may seem just and reasonable to the City Council, and to keep in good repair all school houses and school grounds belonging to the city; provided, that the sum appropriated, with the probable receipts from the State school fund and poll tax, shall not exceed the aggregate amount required for the maintenance of the schools during the year, and for the keeping in good repair of all school houses and school grounds belonging to the city, as shown by the statement of the School Board; and provided further, that the amount to be appropriated by said city shall not be less than the sum of two hundred and fifty thousand dollars; of said amount so to be appropriated by said City Council not less than the sum of one hundred and seventy-five thousand dollars shall be provided for in the annual city budget of expenditures, and the balance out of the reserve fund of 20 per cent., constituted by section 66 of Act No. 20, approved June 23, 1882, and by Act No. 109 of 1886, and said balance is hereby constituted a first lien and claim against said reserve fund, and shall be paid out of the first collection made on account of the same and by preference over all claims whatsoever: provided further, that out of the amount so appropriated by said city said Board of Directors shall in the year eighteen hundred and eighty-nine (1889), and annually for five years thereafter, appropriate a sum sufficient to extinguish at least one-sixth of the unpaid claims against said board for the years 1880, 1881, 1882 and 1884, so that said claims shall be entirely paid by the beginning of the year 1895. The Board of Directors for the parish of Orleans are

Provisions for the unpaid claims of 1880, 1881, 1882 and 1884.

hereby authorized to enforce the provisions of this section by the application to a court of competent jurisdiction, by a writ of mandamus or other effective remedy.

SEC. 72. *Be it further enacted, etc.,* That for the purpose of Provisions for
affording proper evidence of said claims aforesaid (and for no other purpose whatsoever), said board shall issue certificates of claims.
indebtedness to an amount equal to the total amount of said claims and maturing in six equal instalments on the first day of January, 1890, 1891, 1892, 1893, 1894 and 1895.

SEC. 73. *Be it further enacted, etc.,* That the different Boards of Directors shall not be empowered to make contracts or debts for Limitations
as to contracts
and debts.
any one year greater than the amount of revenue provided for according to this act, it being the intent hereof that parties contracting with said board shall take heed that due revenue shall have been provided to satisfy the claim, otherwise they may lose and forfeit the same, and no action or execution shall be allowed in aid thereof, and that the board shall not exceed their powers in incurring the debt.

SEC. 74. *Be it further enacted, etc.,* That this act shall go into effect from and after its passage, and nothing in this act shall be so construed as to vacate the office of any teacher until the expiration of the term for which he or she shall have been appointed under existing laws, nor as requiring such persons now teaching in the public schools of the city of New Orleans to qualify in accordance with this act or to pass such examinations as are otherwise demanded by paragraph five of section 64, and that all laws in conflict with the provisions of this act be and the same are hereby repealed, except acts passed at the present session of the General Assembly. Restraining
and repealing
clauses.

ACT 78 OF 1894.

To amend and re-enact Section 14 of Act No. 81 of the Session of 1888, approved July 12, 1888.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That section 14 of the Act No. 81 of the General Assembly of 1888, approved July 12, 1888, be amended and re-enacted so as to read as follows:

SEC. 14. *Be it further enacted etc.,* That the branches of orthography, reading, writing, arithmetic, geography, grammar, United States History, Laws of Health and Physical Education shall be taught in every district.

In addition to those, such branches as the State Board of Education and Parish School Board may require; provided, that these elementary branches may be also taught in the French language in those parishes in the State or localities in said parishes where the French language predominates if no additional expense be incurred. Branches of
education to be
taught in
French in cer-
tain parishes.

SEC. 2. *Be it further ordered,* That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

ACT 158 OF 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That section 63 of Act 81, of the General Assembly of 1888, approved July 12, 1888, be so amended as to read as follows:

Board of Directors of Public Schools for Orleans; organization, etc.

That said Board of Directors of the Public Schools of the parish of Orleans, shall be a body corporate in law, with power to sue and be sued. Eleven members shall constitute a quorum for the transaction of business. Legal process shall be served on the president; in his absence or inability to act, on the vice president. The City Attorney shall act as attorney for the board. The board shall be organized within ten days after its appointment, with a president and vice president chosen from among its members, and a secretary, who shall not be a member of the board. In addition to the duties of his office, which may be fully pre-

Report to the Superintendent of Education.

scribed by the board, he shall make a quarterly report to the State Superintendent of Education of the cost of maintaining the city schools, and shall keep the accounts of said board in such manner as to be in strict accordance with such budget as they may adopt, certifying to said board at each monthly meeting the expenses of said board for each current month. Said board shall have control of all buildings, records, papers, furniture and property of any kind pertaining to the administration of the schools, and shall have management of all public schools within the limits of the city of New Orleans.

Salary of the Secretary.

The salary of the secretary, which shall be fixed by the board, shall be paid in the same manner as hereinafter provided for the payment of the Superintendent.

SEC. 2. *Be it further enacted, etc.,* That section 66 be so amended as to read as follows:

Superintendent and his duties.

That the said board is authorized to appoint for the constant supervision and periodical examination of the public schools of the parish of Orleans a competent and experienced educator, to be designated as Superintendent. He shall aid the directors in organizing the schools and in approving the method of instruction therein, in examining candidates for teacherships, and in conducting periodical examinations of pupils for promotion through the respective grades of the schools, and in maintaining general uniformity and discipline in the management of all the schools. He shall make semi-annual reports on the condition and needs of the schools to the said board, and an annual report, on or before the first of January, to the State Board of Education, as hereinbefore required; and, whenever notified to be present, he shall attend meetings of the State Board of Education.

Salary of Superintendent; his removal in certain cases.

The Superintendent shall receive an annual salary of twenty-five hundred dollars, payable in equal monthly instalments, payable on the roll of the Board of Directors of the City Schools, in

the same manner and at the same time that the employees and expenses of said Board of Directors are paid. He shall hold his office for the term of four years, subject to removal by the board for neglect of duty or malfeasance, of which, after an impartial hearing by the board, he shall have been adjudged guilty. He shall be a *ex officio* member of said board, and entitled to participate in its deliberations and debates, and in the examination of candidates for teacherships, but he shall not cast a vote in the board.

SEC. 3. *Be it further enacted, etc.*, That all laws in conflict with or contrary to or inconsistent with the provisions of this act be and the same are hereby repealed.

SEC. 4. *Be it further enacted etc.*, That this act shall take effect from and after its passage.

ACT 53 OF 1894.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That the Boards of School Directors of the several parishes of this State are prohibited from entering into any contract, agreement, understanding or combination, tacitly or expressly, directly or indirectly, with any church, monastic or other religious order or association of any religious sect or denomination whatsoever, or with the representatives thereof, for the purpose of running or to defray the expenses for the running of any public school or schools of this State, together, in connection or in combination with any private or parochial school or other institution of learning which may be under the control, authority, supervision, administration or management of any church, monastic or other religious order or association of any religious sect or denomination whatsoever.

School Board prohibited from making contracts or agreements concerning the public schools with any church or religious order.

SEC. 2. *Be it further enacted*, That the violation of the provisions of this act by the Board of School Directors or any member thereof shall be the cause for their removal.

SEC. 3. *Be it further enacted*, That all laws or parts of laws contrary to or in conflict with the provisions of this act be and the same are hereby repealed.

Act 136 of 1894, payment of back salaries of teachers.

Act 57 of 1894, granting certificates to graduates of Peabody Normal School.

Act 110 of 1890, revenue for public education.

Act 40 of 1888, study of scientific temperance.

Act 129 of 1882, levy of school tax.

Act 126 of 1880, certificates of indebtedness issued prior to January 1, 1880, receivable for certain back taxes.

Act 78 of 1877, E. S., amending previous acts.

Act 23 of 1877, E. S., regulating public education.

Act 123 of 1874, regulating public education.

Act 36 of 1873, relating to public education.

Act 48 of 1873, relating to school tax.

Act 6 of 1870, E. S., regulating public education.

Act 8 of 1871, organization of School Boards.
 Act 129 of 1869, regulating public education.
 Act 107 of 1867, regulating public education.
 Act 155 of 1861, amending Act 153 of 1859.
 Act 237 of 1861, apportioning funds.
 Act 42 of 1860, prohibiting elections in school halls.
 Act 153 of 1859, establishing normal school.
 Act 84 of 1858, establishing normal school.
 Act 267 of 1858, regulating public education.
 Act 239 of 1857, regulating public education.
 Act 151 of 1855, exempting property of public schools from seizure.
 Act of 1852, regulating public education.

DECISIONS.

The Legislature can not force a parish to levy a school tax, or hence, to make the appropriation of an amount which such tax would have realized. 42 An. 92.

PUBLIC WORKS, COMMISSIONER—See COMMISSIONERS.

 PHYSICIAN, CITY.

Coroner, *ex-officio* City Physician, see Article 147 of the Constitution of 1879.

Ordinance 7726, providing for clerk.

QUARANTINE—See HEALTH AND QUARANTINE.

QUICK LIME—See LIME.

 RAILROADS.

General Ordinances.

STEAM RAILROADS.

ART. 1768. (1) That it shall be the duty of the New Orleans, Jackson & Great Northern Railroad Company, the Pontchartrain Railroad Company, the New Orleans, Mobile & Texas Railroad Company, the New Orleans & Northeastern Railroad Company, the Mis-

Mississippi Valley Railroad Company, and of all other general railroads other than the local city railroads, which may now or hereafter run their trains for regular railroad traffic, for the transportation of freight or passengers within city limits, to station, at each intersection of any street within the city of New Orleans on which street cars are running, at least two minutes before the approach of any of their trains, a watchman, who shall remain on the spot until after the passage of the train, with a red signal flag in day-time and red lantern at night-time, to signalize the approach of the train.

Watchman
with signals.
Ord. No. 555,
C. S.
Jan., 1884.

ART. 1769. (2) That for each and every contravention of this ordinance the respective company shall be liable to a fine of one hundred dollars, recoverable before a court of competent jurisdiction within the district in which the offence is committed.

Penalty.
Ord. No. 2340,
A. S.
Sept., 1873,

ART. 1770. That Ordinance No. 555, C. S., be and is hereby amended by adding the following: Any engineer or person in charge of an engine, approaching any street crossing, without being properly flagged as herein provided, shall be immediately arrested and fined not less than ten dollars or more than twenty-five dollars, and in default of payment, imprisoned for not less than ten or more than thirty days, at the discretion of the Recorder within whose jurisdiction the offence was committed.

Penalty.
Ord. No. 3632,
C. S.
Mar. 26, 1889.

ART. 1771. (1) That it shall be unlawful for any railroad company running its tracks within the limits of the city of New Orleans to lay down new tracks or lower or raise the grade of any track now laid, being laid, or hereafter to be laid, without first procuring lines and levels from the City Surveyor of New Orleans for the proper construction of the same. In case of any violations of the provisions of this ordinance, it shall be the duty of the Administrator of Improvements to cause said track or tracks to be immediately conformed to the proper grade or level of the streets or levees upon which they are laid, and in case the railroad company should refuse or neglect so to do when notified, it shall be the duty of said Administrator to execute the provisions of

Lines and
levels to be fur-
nished by City
Surveyor.
Ord. No. 3397,
A. S.
Feb., 1876.

Penalty.

this ordinance and to use such means as may be necessary for said purpose.

Speed of railroad trains running along the river front.
April, 1881.
A. S. 6988.

ART. 1772. That from and after this date all railroad companies are hereby prohibited from running their trains or engines, or allowing the same to be run, on the south side of Claiborne street or the river front at a greater speed than six miles per hour, and for any violation of the foregoing the company so violating the same shall be held liable to a fine of one hundred dollars for each and every offence, collectible before any court of competent jurisdiction.

To ring bells within city limits.
Oct., 1881.
A. S. 7360.

ART. 1773. That it shall be the duty of the Chicago, St. Louis & New Orleans Railroad Company, the Pontchartrain Railroad Company, the Louisville & Nashville Railroad Company "as re-organized," Morgan Louisiana & Texas Railroad Company, New Orleans, Spanish Fort & Lake Railroad Company, and New Orleans City Railroad Company, steam train, and all other railroads which may now or hereafter have the right to move their trains by steam power, on any of the streets of the city of New Orleans, between Claiborne street and the Mississippi river, to ring a bell at intervals within said limits.

Speed.

ART. 1774. That it shall be unlawful for steam trains to run at a greater speed than six miles per hour, or to announce their approach to curves or crossings within the limits of Claiborne street and the Mississippi river by whistle, except that the Louisville & Nashville Railroad Company shall signal their approach to the curve at the head of Elysian Fields street by whistle between St. Claude and Rampart streets, also in cases of emergency; and any failure on the part of individuals to comply with the foregoing ordinance will subject them to a fine of twenty dollars, or imprisonment for thirty days for each offence, recoverable before the Recorder wherein the offence was committed.

Penalty.

ART. 1775. That no railroad company within the corporate limits of the parish of Orleans shall permit its engines, cars or trains of cars to remain standing upon any street or street-crossing within the city limits, or to

obstruct crossings in any manner whatsoever, except in so far as may be done by trains in motion; provided, however, that this shall not apply to the tracks of the Belt Railroad or of other roads on the river front, when used for the purpose of loading or unloading cars in the ordinary and usual interchange of merchandise, nor to such portions of streets between crossings as may be within and form part of the yards of the respective roads; provided, further, that the Mayor shall have the power in his discretion to give permits in special cases for the loading or unloading of cars at places other than intersections of streets, such permits to specify the locality and the time allowed, and provide that no blockade of the street shall thereby ensue; and provided, furthermore, that this shall not apply to that portion of the Belt road situated on Louisiana avenue, between Water and Annunciation streets, and that portion of the same road on Louisiana avenue between Dryades street and the connection of said Belt road with the main line of the Illinois Central Railroad.

Cars not to stand on streets or obstruct crossings.
Ord. No. 387,
C. S.
Aug. 2, 1889.
Amended by
Ord. No. 4882,
C. S.

Not to apply to Belt road.
Ib.

ART. 1776. That for each and every contravention of this ordinance the officer or employee so offending shall be fined not less than ten dollars, and in default of payment be imprisoned for not less than ten days, by the Recorder within whose jurisdiction the offence has been committed.

Penalty.
Ib.

ART. 1777. That Ordinance No. 4024, C. S., adopted October 1, 1889, be amended and re-enacted so as to read: That it shall be unlawful for any railroad company or companies in the city of New Orleans to allow the peddling or retailing of fruit, vegetables, market produce, perishable freight or merchandise, arriving over their line or lines in the city of New Orleans, from cars, on the tracks, from any platform, shed or building, or public wharves or landings, at the depot or depots on the grounds or other property owned or controlled by such railroad company or companies in the city of New Orleans.

Unlawful to allow peddling from cars or at depots.
Ord. No. 4090
C. S.
Nov. 5, 1889.
Amended by
Ord. No. 4489,
C. S.

ART. 1778. (2) That it shall be unlawful for any person or persons to peddle or retail any fruit, vegetables,

From platforms.
Ib.

market produce, perishable freight or merchandise arriving over any railroad line or lines in the city of New Orleans, from cars, on the tracks, from any platform, shed or buildings, or public wharves and landings, at the depot or depots, on the grounds or other property owned or controlled by any railroad company or companies in the city of New Orleans.

Penalty. Ib. ART. 1779. (3) That any officer, agent or employee of any railroad company violating the provisions of this ordinance shall be liable for each offence to a fine of not more than twenty-five (\$25) dollars, recoverable before the Recorder in whose jurisdiction the offence may be committed, or in default of payment thereof to imprisonment in the parish prison for not more than thirty (30) days.

Penalty. Ib. ART. 1780. (4) That any person or persons violating the provisions of this ordinance shall be liable for each offence to a fine of not more than twenty-five (\$25) dollars, recoverable before the Recorder in whose jurisdiction the offence may be committed, or in default of payment thereof to imprisonment in the parish prison for not more than thirty (30) days.

ART. 1781. (5) That all ordinances or parts or ordinances in conflict with or militating against this ordinance be and the same are hereby repealed.

BLOWING WHISTLES—See *Offences*.

STOPPING AT CROSSINGS—See *Offences and Gates*.

Electric signal. ART. 1782. That permission be and is hereby given
Ord. No. 7034, to the Illinois Central Railroad Company, and Yazoo
C. S. & Mississippi Valley Railroad Company to erect electric systems of warning signals at the crossings of Carrollton and Washington avenues, on each of the above-named roads, in lieu of gates, with the understanding that the said companies will place flagmen at the said crossings during the daytime, until such time as the said electric system shall be completed and in operation.
Dec. 20, 1892.

ART. 1783. That the said electric system shall be erected within sixty days from the date of the promulgation of this ordinance.

ART. 1784. That the said railroad companies shall be subject to a fine of twenty-five (\$25) dollars or thirty days' imprisonment, recoverable before any court of competent jurisdiction for each and every violation of this ordinance.

Penalty. Ib.

STREET RAILROADS.

ART. 1785. That the several street railroad companies in this city be and are hereby authorized to run their street cars at no greater intervals than every half hour apart from 12 P. M. to 5 A. M., and that they are also authorized to charge during the hours above-mentioned increased fare, not exceeding the rate of 25 cents per passenger.

To run cars all night.
Dec., 1873.
A. S. 2445.

Fare.

ART. 1786. That it shall not be lawful for the several railroad companies of this city running their cars to and from Canal street, propelled by horse or mule power, to permit said cars to be moved at a greater rate of speed than a walk at all crossings on Canal street, between the levee and Rampart street, under penalty of a fine not greater than ten dollars for every such contravention, recoverable before any court of competent jurisdiction upon the proof thereof.

Speed at Canal street crossings.
Jan., 1874.
A. S. 2472.

ART. 1787. That permission be and the same is hereby granted to the New Orleans city railroad companies of the city to erect shelters for the starters of cars, and for the turn-table men employed by said companies at any and all places where said starters and turn-table men are or may be stationed; provided, said shelters be built according to plans and specifications to be furnished by the City Surveyor.

Sheds for starters.
July, 1866.
N. S. 202.

ART. 1788. That the city railroad companies shall, from and after the passage of this resolution, cause to be placed at the heads or necks of the teams a number of bells sufficient to attract attention of the public, and thereby warning them of the approach of such teams and cars and of impending danger.

Bells.
June, 1861.
Ord. 5657.

ART. 1789. That from and after the adoption of this ordinance it shall not be lawful for any person afflicted by any contagious or infectious disease, or for any per-

Certain persons excluded from the cars.
Nov., 1875.
A. S. 3308.

son who is intoxicated, to enter any car within the limits of the city of New Orleans.

Car tracks not to be obstructed.

ART. 1790. That it shall not be lawful for any person to place any obstruction on the track of any railroad located, or running in or through the city of New Orleans, or unnecessarily to interfere with, or obstruct the free passage of any car, or to endanger the safety of any car, or any person in any car, running in or through the said city of New Orleans.

Exception in favor of Fire Department.

ART. 1791. It is understood, however, that the provisions of this section shall not, in any way, conflict with the privileges and right of way granted to fire engines, hook and ladder trucks, wagons carrying Babcock fire extinguishers, and other vehicles belonging to the fire department.

Minors prohibited from hanging on the outside of cars.

ART. 1792. That it shall be unlawful for the parents or guardians of any minor child to allow such child to hang or swing on the outside of any car of any railroad within the limits of the city of New Orleans, while the same is in use or motion upon said roads.

Railroad companies and police to enforce this ordinance.

ART. 1793. That it is hereby made the duty of the companies owning the aforesaid railroads, their employees, and the police of the city of New Orleans, to secure the enforcement of the provisions of this ordinance.

Penalties.

ART. 1794. That any person who shall be found guilty of a violation of any of the provisions of sections 1 and 2 of this ordinance, before any of the police courts of this city, shall be fined not less than \$5 nor more than \$25, and in default of payment imprisoned not more than five days nor less than one day; and that in any case of any violation of the provisions of the third section the minor child so offending shall be arrested, and upon conviction sentenced to imprisonment for not less than twelve nor more than twenty-four hours, in default of payment by the parent or guardian of said minor of a fine not more than \$5 nor less than \$2 for each offence.

Right to use certain propelling cars.
April, 1872.
A. S. 1404

ART. 1795. That permission, revocable at the pleasure of the Council, is hereby granted to any city railroad company to use the apparatus for propelling street cars

of the Ammonia and Thermo-specific Propelling Company; provided, that the city shall not be held responsible for any damage that may be occasioned thereby.

ART. 1796. (1) That after the passage of this ordinance it shall be unlawful and a misdemeanor for any driver in charge of a horse-car, with or without passengers aboard, to attempt to cross a steam car track in front of any steam engine, with or without cars attached, the approach of which has been and continues to be flagged to him.

Crossing steam tracks in front of any engine flagged.
Ord. No. 561,
C. S.
Jan. 20, 1884.

ART. 1797. (2) That any driver in charge of a horse car who violates section 1 of this ordinance shall, upon conviction before the Recorder having jurisdiction, be fined not less than twenty-five dollars, and in default of payment not less than thirty days at the discretion of the court.

Penalty. Ib.

ART. 1798. (1) That if any driver of any of the cars belonging to any of the railroads in the State of Louisiana shall, by his imprudence, negligence, or want of skill, cause any injury to any person, whether a passenger on said car or not, he shall be deemed guilty of a felony, and on conviction thereof, shall suffer a fine not exceeding five hundred dollars and imprisonment not exceeding one year, at the discretion of the court.

Car drivers.
Act of Legislature.

ART. 1799. (1) That the different railroads throughout the city shall be required, upon being notified by the Commissioner of Public Works, to cause to be removed, within forty-eight hours from the service of notice, all timbers or stringers of any description used in the construction of railroads and which may be declared by the said Commissioner of Public Works to be obstructions to a free and uninterrupted drainage; and that said timbers, stringers, etc., shall, in every case, be replaced by iron bars or plates, or by any material suitable for the purpose, under the direction of the Commissioner of Public Works and City Surveyor.

Removal of timbers and stringers.
Ord. No. 946,
C. S.
Oct. 7, 1884.

ART. 1800. (2) That upon failure or neglect of any company to remove obstructions of the kind herein specified in section 1 hereof, and within the time specified, it is herewith made the duty of the Commissioner

Penalty. Ib.

of Public Works to have the same removed as soon as practicable thereafter at the risk and expense of the company.

Under whose supervision.

ART. 1801. (3) That in the construction or repairing
Ib. of all bridges or culverts over which railroad tracks are laid, the work shall be performed and carried on to completion under the direction of the Commissioner of Public Works, and in accordance with specifications to be prepared by the City Surveyor and kept on file in his office.

Repealing clause.

ART. 1802. (4) That this ordinance shall take effect
Ib. from and after its passage, and that all laws or parts of laws in conflict herewith be and the same are hereby repealed.

Open cars.
Ord. No. 11,321,
C. S.
Sept. 17, 1895.

ART. 1803. That it shall be unlawful for any corporation or person to run open cars on any street in the city of New Orleans, where there are double tracks without providing a rope or rod on the side of the car toward the other track to prevent passengers from alighting or boarding the car on said side.

Duty of motormen approaching West End trains.

ART. 1804. That it shall be the duty of all motormen
Ib. when approaching West End trains discharging passengers on Canal street, between Baronne and Carondelet streets, to bring his car to a full stop until the passengers from the West End train shall have alighted.

Penalty.

ART. 1805. That any corporation or motorman violating any of the provisions of this ordinance shall be
Ib. fined a sum not exceeding twenty-five dollars or be imprisoned in the parish prison for a term not exceeding thirty days, or both, at the discretion of the Recorder in whose jurisdiction the offence is committed.

Flat wheels.
Ord. No. 11,357,
C. S.
Sept. 24, 1895.

That all street car lines or railroads using horse, mule or electric power, be and are hereby prohibited from using flat wheels upon their cars.

Penalty.

ART. 1806. That all persons, corporations or other
Ib. parties violating this ordinance be subject to a fine of twenty-five dollars for each offence or in default thirty days imprisonment, recoverable, before any court having jurisdiction.

ART. 1807. That all laws or parts of laws and ordinances in conflict with this ordinance be and are hereby repealed.

Repealing
clause. Ib.

ART. 1808. That from and after the promulgation of this ordinance it shall be unlawful for the driver of any street car to drive over the tracks of any intersecting steam railroad without having previously brought his car to a full stop and satisfied himself there can be no danger in making the crossing.

Cars to come
to a full stop
crossing steam
railroad tracks.
Ord. No. 4162,
C. S.
Dec. 17, 1889.

ART. 1809. That any driver or other person in charge of a street car violating the provisions of this ordinance shall, upon conviction before the Recorder within whose jurisdiction the offence has been committed, be fined not exceeding twenty-five dollars, and in default of payment of fine be imprisoned not more than thirty days.

Penalty. Ib.

ART. 1810. That Ordinance No. 4164, C. S., requiring all street cars to come to a full stop before crossing a steam railroad track, be and is hereby amended so as not to apply to steam crossings provided with gates erected under proper city ordinances.

Not to apply
to crossings
with gates.
Ord. No. 4464,
C. S.
Apr. 29, 1890.

ART. 1811. That all street railroads in the city of New Orleans shall be required to provide a continuous crossing where their tracks cross other street railroad tracks or steam railroad tracks, the style of crossings to be either continuous cast iron or built section crossings of such design as will be approved by the City Engineer.

Construction
of street cross-
ings.
Ord. No. 6547,
C. S.
July 26, 1892.

ART. 1812. That the Commissioner of Public Works shall, immediately on the promulgation of this ordinance, notify each railroad company of the provisions of this ordinance, and any railroad company refusing to comply with the provisions of this ordinance within forty days from receipt of said notice from the Commissioner of Public Works shall be fined not less than twenty-five dollars, and will be subject to an additional fine of five dollars per day for each and every day thereafter the provisions of this ordinance are not complied with, said fines to be collected by any court of competent jurisdiction.

Duty of Com-
missioner Pub-
lic Works. Ib.

Penalty.

ART. 1813. That such street railroads as are contemplating the rebuilding of their whole roadway for the purpose of operating same by electricity within eighteen

Exempting
roads to be re-
built until such
roads rebuild.
Ib.

months from the passage of this ordinance will not be required to put these crossings in until such time as said road is rebuilt.

Expense to be borne in equal parts.

Ib.

ART. 1814. That at points where crossings are required by a street railroad crossing another street railroad, the expense of said crossing will be borne in equal parts by each of the two railroad companies. Where a street railroad crosses a steam railroad the expense of the crossing shall be borne one-quarter by the street railroad and three-quarters by the steam railroad, and the maintenance of the crossing in proper condition shall be the duty of the steam railroad company.

New roads to bear entire expense.

Ib.

ART. 1815. That in the future any new road (not now in existence) crossing any street or steam railroad, the said new road shall bear the entire expense of laying same.

ART. 1816. That the expense of maintenance shall be as herein provided for.

Ventilators.
Ord. No. 6905,
C. S.
Feb. 2, 1892.

ART. 1817. That it shall be unlawful for any street railroad company to run any car on the streets of this city unless the same are provided with ventilators in the top or roof thereof, affording a ventilation of at least four square feet; and between the 1st day of November and the 1st of April each of such cars will be required to have sliding or swinging doors.

Penalty.

Ib.

ART. 1818. That any president, superintendent or starter of any street railroad company violating the provisions of this ordinance shall be punished by a fine not exceeding \$25 for each offence, and in default of the payment thereof by imprisonment not exceeding thirty days.

Take effect.

Ib.

That this ordinance shall take effect sixty days after its promulgation.

Duty of Commissioner of Public Works.
Ord. No. 10,869,
C. S.
June 11, 1895

ART. 1819. That the Commissioner of Public Works is hereby charged with the duty of requiring all the street railroads to immediately place in good repair and condition all streets which have been disturbed by the railroads in their reconstruction work, etc., and to report the same to the Council.

ART. 1820. That on and after the passage of this ordinance it shall be unlawful for any car propelled by horse or mule power to cross any track or tracks of a road propelled by electricity or tracks of a road propelled by steam power, or for any car propelled by electricity, to cross any track before coming to a full stop. Any infraction of this ordinance shall, upon conviction, be subject to a fine of not more than \$25 or less than thirty days imprisonment; one-half of the fine so collected shall be paid to the informer.

Crossing—full stops,
Ord. No. 7480,
C. S.
April 25, 1893.

Penalty.

EAST LOUISIANA RAILROAD COMPANY.

ART. 1821. That the East Louisiana Railroad Company, its assigns and successors, for and in consideration of the premises and the foregoing contribution to the construction of said levee, be and they are hereby authorized and empowered to locate, construct, maintain and operate certain railroads, by steam power, in the city of New Orleans, with all necessary tracks, switches, turnouts, bridges, sidings and structures of every kind, convenient, useful and pertaining to the said railroads, and to lay double tracks on the following lines, avenues, streets, etc., and to operate said railroads thereon, namely:

Franchise.
Ord. No. 6139,
C. S.
Mar. 15, 1892.

ART. 1822. (1) From the intersection of the present line of the New Orleans & Northeastern Railroad on People's avenue with Edinburg avenue, on, over and along said Edinburg avenue to the intersection of the same with the Bayou St. John, with the right to lay its said railroad tracks along said Edinburg avenue, or any such other street parallel with Edinburg avenue as the company may select.

Route. Ib.

ART. 1823. (2) Across said Bayou St. John to connect with the present roadbed of the New Orleans, Spanish Fort & Lake Railroad Company; and provided, that it first obtain the consent thereto of the New Orleans, Spanish Fort & Lake Railroad Company, either by lease or purchase of its franchise, tracks and roadbeds, or by any other satisfactory arrangements which may be agreed upon between said parties and be ob-

tained upon said road from Bayou St. John along Genois street and May street, and other such street as may be occupied by the embankment of the New Orleans, Spanish Fort & Lake Railroad Company, to the west side of Orleans street to the intersection with Bernadotte street and Metairie Road by a suitable curve through the southeast corner of the western division of the City Park, thence along Bernadotte street to its intersection with Bienville and Conti streets, thence along Bienville and Conti streets to Basin street, thence to Canal street at its intersection with Basin street; returning on Basin street to Bienville and Conti streets, thence in and along Bienville and Conti streets to Bernadotte street, thence in and along Bernadotte street to the west bank of the Orleans Canal, thence along Orleans street on the west side of the canal to May street, near the Lake Shore, thence on May street to Genois street, or any other street as may be occupied by the present embankment of the New Orleans, Spanish Fort & Lake Railroad to Bayou St. John and across Bayou St. John and along Edinburgh avenue and on said levee to the intersection with Peoples avenue and the tracks of the New Orleans & Northeastern Railroad on said Peoples avenue, with right to make all necessary curves at all intersections of lines and streets.

ART. 1824. Whereas, no franchise should be granted by the Council without due compensation to the city.

Repealing
grant.
Ord. No. 7241,
C. S.
Feb. 28, 1893.

ART. 1825. That the grant to the East Louisiana Railroad by Ordinance No. 6139, along the Lake Shore be and the same is hereby repealed.

Renunciation of right of way on Conti street, Ord. No. 6182, C. S.

ILLINOIS CENTRAL RAILROAD.

(Formerly Chicago, St. Louis & New Orleans Railroad, and New Orleans, Jackson & Great Northern Railroad.)

Right of way.
Ord. No. 704,
O. S.
Mar., 1853.

ART. 1826. (1) That the right of way applied for by the New Orleans, Jackson & Great Northern Railroad Company (now the Chicago, St. Louis & New Orleans Railroad Company), be and is hereby granted.

ART. 1827. (1) That the city of New Orleans hereby grants to the New Orleans, Jackson & Great Northern Railroad Company the rights and privileges to extend, construct and maintain, and thereafter to manage and use by running thereon the engines and cars and trains of cars (subject to stipulations of section No. 2 of this ordinance), a single-track railroad with the necessary turnouts to and from any points on the road outside of Claiborne street, through Euphrosine street to its intersection with New Canal shell road, along the neutral ground on Triton walk, or Delord street to St. Joseph street, the centre of St. Joseph street to Front street; thence up Front street to Tchoupitoulas street; up Tchoupitoulas street to Water street; thence up Water street to the upper line of the city; also from the intersection of St. Joseph and Front streets, down Front street to Girod street.

To construct and extend railroad.
Ords. Nos. 1468 and 1621, N. S.
May, 1869.
Dec., 1869.

Right of way through streets.

ART. 1828. (2) That the engines of said road shall only be run on that portion of the track granted by this ordinance from its intersection with the main track of said road to the corner of St. Joseph and Baronne streets, and that from the corner of St. Joseph and Baronne streets, through St. Joseph street to Front street, horses or mules only shall be used. From the intersection of St. Joseph and Front streets, so far as the right of way given by this ordinance extends on Front, Tchoupitoulas and Water streets, said company shall have the right of using locomotives.

Motive power

ART. 1829. (3) That in the construction of said line of road and the track and the turnouts thereof, the said New Orleans, Jackson & Great Northern Railroad Company shall locate said road in such portions of the streets as to cause the least possible detriment to business on said streets, and shall not in any manner obstruct or impair the drainage of the streets along, upon or across which the said railroad is hereby located, and that the said company shall at all times and in every respect be bound to conform with the lines and levels and grades to be established by the City Surveyor; and whenever the company shall find it necessary to cover the channel

Not to obstruct streets or impair drainage

Lines, levels and grades.

of any drain the sides thereof shall be first protected with brick, stone or wood, in a good and substantial manner and to the entire satisfaction of the City Surveyor, and said covered channel shall be kept open and clear for the passage of water by said company.

To pave and repair streets, and keep them in good order.

Penalty.

ART. 1830. (4) That the said railroad company shall be bound to pave with material corresponding with existing pavements, or such pavement as may hereafter be laid, the space between the rails of the track, and as much on each side of the track, through the streets now paved, as may be necessary to put them in as good condition as they were before the pavement was taken up by the railroad company; and should the said company, after being duly notified by the Street Commissioner, refuse or neglect to keep the streets from curb to curb, through which said road shall pass, in good order, repair and condition, it shall be the duty of the Street Commissioner to cause the said repairs to be made at the expense of said railroad company; and to immediately report the same and the cost thereof to the Common Council; and in the event of a refusal of the said railroad company to pay the city the amount of expenses thus incurred for making the said repairs, the said amount shall be recoverable before any court of competent jurisdiction.

To construct depots.

ART. 1831. (5) That the said railroad shall have the right to construct and thereafter use and maintain, for the safe and convenient transaction of its business, such depots as it may deem necessary; provided, that said depots be located on property to be first legally acquired by the said company; and provided, also, that the said depots be constructed in the most substantial and workmanlike manner, with brick, stone or iron, and covered with slate, or metal, and be designed and completed in such a manner as to make them in every respect first-class depot buildings.

Speed.

ART. 1832. (6) That the trains on said road shall not move at a rate of speed greater than five miles an hour.

ART. 1833. (7) That the tracks allowed in this ordinance shall be so laid, constructed and maintained as

in the least manner to obstruct the free passage of vehicles. Not to obstruct passage of vehicles

ART. 1834. (8) That the said railroad company shall be subjected to all rules and regulations already in existence or which may hereafter be enacted by the Common Council. Rules and regulations.

ART. 1835. (9) That should the said New Orleans, Jackson & Great Northern Railroad Company fail to maintain and have a regular communication and means of traffic on said line of road, then the rights and privileges which are hereby granted to said company shall be forfeited and revert to the city of New Orleans; and provided, further, that nothing contained in the above resolutions, or in the grant of rights and privileges to said company, is intended or shall be construed as binding the city of New Orleans, or making her liable in any way or responsible to the said New Orleans, Jackson & Great Northern Railroad Company, or its assigns, for any loss, damage or injury which might arise to them, or either of them, should the said company or its assigns be in any manner or way interfered with or deprived of any or all of said rights or privileges by any means or for any cause, or on any ground whatsoever, other than the act or doing of the legally constituted authorities of the city of New Orleans. Forfeiture.

ART. 1836. (1) That permission be and is hereby granted to the New Orleans, Jackson & Great Northern Railroad Company to connect their track at the intersection of St. Joseph and Delta streets with Morgan's Louisiana and Texas Railroad on Delta street; thence branching so as to make a close connection with the tracks of Morgan's Louisiana and Texas Railroad on both sides of Delta street. The whole to be done in conformity with plans and specifications to be prepared by the City Surveyor and approved by the Administrator of Improvements; provided, that the said New Orleans, Jackson & Great Northern Railroad Company shall put and keep in good order that portion of Delta street through which said track is to be built; provided, further, that this permission is revocable at the pleasure of the City Council. To connect with Morgan's Louisiana & Texas Railroad. Ord. No. 1606, A. S. June, 1872. Subject to revocation.

To construct branch track.
Ord. No. 1608,
A. S.
June, 1872.

ART. 1837. (1) That permission be and is hereby granted to J. J. McComb to construct a narrow-gauge railway three feet wide, on the outer edge of the sidewalks, from New Levee street down Delord and South Market streets, crossing Fulton street to Front street, stopping at the track of the New Orleans, Jackson & Great Northern Railroad; also two switch tracks on Fulton street, leading into the Fulton warehouse. The whole to be laid in accordance with plans and specifications to be prepared by the City Surveyor and approved by the Administrator of Improvements.

Subject to revocation.

ART. 1838. (2) That this permission is revocable at the will of the City Council.

To lay side track.
Ord. No. 4109,
C. S.
Sept., 1877.

ART. 1839. (1) That permission be and is hereby granted to the New Orleans, Jackson & Great Northern Railroad Company to lay a side-track on the banquette on the north side of its property on Front street for the distance of three blocks; provided, that said track shall be laid so as not to interfere with the commerce and business of the community; provided further, that said track shall be laid according to plans and specifications to be furnished by the City Surveyor, and to the satisfaction of the Administrator of Commerce and Improvements, and said company shall keep the streets, sidewalks and crossings in repair as long as said track shall remain.

Subject to revocation.

The resolution is revocable at the pleasure of the Council.

To connect with Gas Company's wharf.
Ord. No. 1626,
A. S.
Dec., 1869.

ART. 1840. That the Mayor be and is hereby authorized to enter into a contract with the New Orleans, Jackson & Great Northern Railroad Company, authorizing said company to connect their track on Front street with the New Orleans Gaslight Company's coal wharf; also, to build a railroad on Magnolia street, from Euphrosine street to the New Orleans Gas Company's works, on the following terms and conditions:

Keep Magnolia iron bridge in good order.

ART. 1841. (1) The New Orleans, Jackson & Great Northern Railroad Company will raise or cause to be raised one foot above its present grade the Magnolia

Iron Bridge, repair it and place it in proper working order.

ART. 1842. (2) That the New Orleans, Jackson & Great Northern Railroad Company will fill up with river sand the approaches of the Magnolia bridge on Julia, Delord and Magnolia streets, in order to meet the intended rise and reduce the slopes and also replace the broken stone paving over their surface.

To fill up approaches to Magnolia bridge.

ART. 1843. (3) They will raise the culverts over the street gutters and replace their tops to suit the new grades.

To raise culverts.

ART. 1844. (4) They will lay a double track railroad on the bridge extending on the southwest bank of the canal as far as the line of Delord street, and on the northwest bank as far as Cypress street, where it will meet the single track leading to the gas company's works.

To lay double track on bridge

ART. 1845. (5) They will keep always in good order the street and canal bridges and paving of the streets over which they travel under a penalty of a fine of ten dollars for each and every contravention with the present ordinances, and to have the work done at their expense by the city. The repairs necessary to keep the bridge always in good order and condition being at the cost of the company.

To keep in good order streets and canal bridges.

Penalty.

ART. 1846. (6) The road shall be considered as a trunk road to be used by all parties under authority of the Common Council; provided, they pay their proportion toward the cost of building said road.

Trunk road.

ART. 1847. (7) In consideration of the above the Common Council agrees to continue to pay the bridge-keeper; provided, the appointment of said keeper is subject to the approval of the Common Council.

Bridgekeepers.

ART. 1848. (8) The New Orleans, Jackson & Great Northern Railroad Company shall not in any manner alienate any right or rights the city of New Orleans may possess as a stockholder or corporation in said extension of road.

Rights of city not to be alienated.

ART. 1849. (9) That in case any litigation shall arise from said grant the city of New Orleans shall be held harmless.

City not responsible.

- Right to run trains.
Ord. No. 1031, A. S.
Aug., 1871. ART. 1850. (1) That the New Orleans, Jackson & Great Northern Railroad Company be and are hereby permitted to run their trains over their track on St. Joseph street and from their present depot and to the river by steam, under the following restrictions, to-wit: (1) That the engine used shall be a smokeless dummy, and shall always be kept in front of the train while in motion; that a watchman with a red lantern or signal flag shall be placed at each street crossing while the train is in motion, and similar lights shall be attached to its side of the train when run during the night, that there shall be no blowing of whistles or ringing of bells, and the train shall not move at a greater speed than four miles an hour.
- Speed. ART. 1851. (2) That this permission shall be subject to revocation at the pleasure of the Council.
- Risk and responsibility. ART. 1852. (3) That all damages to life and property, resulting from the running of trains as herein provided shall be at the risk and responsibility of said railroad company.
- Penalty. ART. 1853. (4) That for each and every contravention of this ordinance the said company shall be liable to a fine of one hundred dollars, recoverable before the First Recorder's Court of the First District.
- To change track.
Ord. No. 7101 and 7209, A. S.
July, 1881. ART. 1854. (1) That the Chicago, St. Louis & New Orleans Railroad Company be authorized to change their track on Belt Railroad from the middle of the street to the east side, the same to be done under the supervision of the City Surveyor and Administrator of Improvements.
- To straighten track.
Ord. No. 6651, A. S.
Sept. 1880. ART. 1855. (1) That the Chicago, St. Louis & New Orleans Railroad Company be and are hereby required to straighten their track on Delta street, from Notre Dame to St. Joseph street, by removing it from the centre of said Delta street to the river side of same, according to lines and levels to be furnished by the City Surveyor and subject to the approval of the Administrator of Improvements.
- Right of way.
Ord. No. 8127, A. S.
Nov. 9, 1882. ART. 1856. (1) That the city of New Orleans hereby grants to the Chicago, St. Louis & New Orleans Rail-

road Company, and its successors, assigns and lessees, the right and privilege to maintain and use, and to operate with steam or other motive power, the railroad as now laid and constructed, together with all necessary or convenient turnouts, switches, sidings and turntables to and from a point on its main track beyond Claiborne street, through Euphrosine street, across Rampart street, and along the neutral ground on Triton Walk or Delord street to St. Joseph street, thence up the centre of St. Joseph street to Front street, thence up Front street to its junction with Water street, and there to connect with the Belt Railroad; the construction of any extension and turnouts to be according to lines and levels to be furnished by the City Surveyor.

ART. 1857. (2) That the fuel used upon the engines for making steam shall be anthracite coal or fuel not making more smoke than such coal. Fuel.

ART. 1858. (3) That in the maintenance and operation of the said lines of railroad, and of the tracks, switches, sidings and turntables thereof, the said railroad company shall not in any manner obstruct or impair the drainage of the streets along, upon or across which they may be located; and whenever the company shall find it necessary to cover the channel of any drain the sides thereof shall be first protected with brick, stone or wood, in a good and substantial manner, and to the entire satisfaction of the City Surveyor, and said covered channel shall be kept open and clear for the passage of water by said company. Drainage.

Drains kept open.

ART. 1859. (4) That the said railroad company shall be bound to pave with material corresponding with existing pavements, or such pavements as may hereafter be laid, the space within the rails of the track, and as much on each side of the track, through the streets now paved, as may be necessary to put them in as good condition as they were before the pavement was taken up by the railroad company; and should the said company, after being duly notified by the Street Commissioner, refuse or neglect so to keep the streets through which said road shall pass in good order it shall be the duty Paving required.

of the Street Commissioner to cause the said repairs to be made at the expense of said railroad company.

Depots.

ART. 1860. (5) That the said railroad company shall have the right to construct, and thereafter use and maintain, for the safe and convenient transaction of its business, such depots as it may deem necessary; provided, that said depots be located on property to be first legally acquired by the said company.

Motive power.

ART. 1861. (6) That the said Chicago, St. Louis & New Orleans Railroad Company may use and operate the aforesaid lines of railroad within the city of New Orleans, with steam or other motive power appropriate or usual in railroad transportation, but shall not run their trains at a greater speed than six miles per hour.

Construction.

ART. 1862. (7) That in the construction, under this ordinance, of any extension of track, or any turnouts or switches the construction shall be so made as in the least manner to obstruct the free passage of vehicles.

Regulations.

ART. 1863. (8) That the said railroad company shall be subjected to all general rules and regulations already in existence, or which may hereafter be enacted by the Common Council.

Forfeiture.

ART. 1864. (9) That should the said railroad company fail to maintain and have a regular communication and means of traffic on said lines of road, then the rights and privileges, which are hereby granted to said company, shall be forfeited, and revert to the city of New Orleans.

City not responsible.

ART. 1865. (10) That nothing contained in the above resolutions or in the grant of rights and privileges to said company is intended or shall be construed as binding the city of New Orleans, or making her liable in any way, or responsible to the said railroad company, or its assigns, for any loss, damage or injury which might arise to them or either of them, should the said company or its assigns be in any manner or way interfered with or deprived of any or all of said rights or privileges, by any means or for any cause, or on any ground whatsoever other than the act or doing of the legally constituted authorities of the city of New Orleans.

ART. 1866. That the city of New Orleans hereby recognizes the rights heretofore granted to the New Orleans, Jackson & Great Northern, and the Chicago, St. Louis & New Orleans Railroad Companies, as the rights of the Illinois Central Railroad Company, and that the city of New Orleans hereby grants to the said Illinois Central Railroad Company, its successors and assigns, the right to construct, maintain and use a passenger depot on the property now owned by said railroad company, in the squares bounded by Rampart, Calliope, Liberty and Delord streets; the main building to front on Rampart street, between Euphrosine and Delord streets; the structure for protecting passengers entering and leaving trains to extend from said main building to Liberty street.

Transfer of
franchise re-
cognized.
Ord. No. 5485,
C. S.
Aug. 4, 1891.

Passenger de-
pot.

ART. 1867. That the city of New Orleans hereby grants to the Illinois Central Railroad Company, its successors and assigns, the right to extend the structures for protecting cars and the passengers entering and leaving trains across Franklin street, said structures to be at least eighteen (18) feet high from the grade of the street, support for same to be placed at curb lines and to leave an opening of thirty (30) feet on the swamp side of Franklin street for the passage of pedestrians and vehicles; the said railroad company to erect gates on Franklin street at each side of the tracks, which may be closed while trains are being switched across or standing on Franklin street to receive or discharge passengers, mail, baggage or express, and at all other times said gates to be open to permit the passage of pedestrians and vehicles.

Structures for
protection. Ib.

Gates.

ART. 1868. That the city of New Orleans hereby grants to the Illinois Central Railroad Company, its successors and assigns, the right to construct, maintain and use a second track through Euphrosine street, from a point about one hundred and fifty (150) feet west of the centre line of Claiborne street to a point of intersection with the present track on the neutral ground of Delord street, in the vicinity of Dryades street, with such turnouts, switches, extensions, sidings, cross-overs

Second track
through Eu-
phrosine street.
Ib.

and connections as are shown upon plan annexed hereto, dated New Orleans, La., July twenty-eighth (28th), 1891, and made part of this ordinance. The lines and levels of all such turnouts, switches, sidings, etc., shall be given by the City Surveyor.

Consideration.
Ib.
Amended by
Ord. No. 6231,
C. S.

ART. 1869. That the rights, privileges, franchises and powers granted in this ordinance shall be and continue in force during the corporate life of the Illinois Central Railroad Company; provided, the Illinois Central Railroad shall, at their own expense, pave with Belgian granite blocks the entire width of Franklin street from Euphrosine to Delord street, except twelve feet on either side for banquette purposes, which shall be laid with Schillinger pavement; pave with granite square blocks or Belgian blocks with concrete foundation all that portion of Rampart street from curb to curb, fronting their depot, and fronting the paved portion of Delord street and fronting Euphrosine street; pave Euphrosine street flush with their tracks from curb to curb, between Rampart and Claiborne streets, with Brookhaven concrete gravel.

Relay the existing cobble stone paving on Delord street, between Rampart and Liberty streets; and at all times keep the said paving and planking herein specified in condition satisfactory to the Commissioner of Public Works.

Paving a consideration.

ART. 1870. That said company shall not be permitted to use said depot or tracks presently granted for any purpose whatsoever, except construction, until the paving required by this ordinance is laid as herein provided, this paving being made an essential condition of the grants herein made, and without which they would not have been granted; and

Penalty.

ART. 1871. That cars shall not be parked or allowed to remain standing on the streets herein under a penalty of not less than ten or more than twenty-five dollars fine; or in default of payment to imprisonment for not less than ten nor more than thirty days, at the discretion of the Recorder, for each and every such offence.

ART. 1872. That that portion of Ordinance No. 5485, C. S., referring to a Schillinger sidewalk from Euphro-

sine street to Delord street, on Franklin street across the tracks of the Illinois Central Railroad Company, be amended so as to allow the placing of a plank sidewalk in lieu of the Schillinger walk across said tracks, and that portion of Ordinance No. 6231, C. S., be amended so as to permit the Illinois Central Railroad Company to move its track on Euphrosine street, between Rampart and Liberty streets, to the south side of Euphrosine street, and pave with Belgian blocks, instead of Brookhaven gravel, from Rampart street to Franklin street, the full width of Euphrosine street, from the property line on the north side of said street to the track of the Illinois Central Railroad Company after being moved as aforesaid. All of said work to be done according to lines and levels to be furnished by the City Engineer.

Paving Euphrosine street.
Ord. No. 7964,
C. S.
Aug. 22, 1893.

ART. 1873. That in accordance with advice of the City Surveyor, the Illinois Central Railroad Company be and they are hereby authorized and directed to do the following work in lieu of that directed by the Council by resolution of December 12, 1889:

Directed to do certain work
Ord. No. 4297,
C. S.
Feb. 11, 1890.

1. Clean out and revet Claiborne Canal from where the contractor stopped work, near the water tank to upper end of Calliope street, from this point to head of canal at New Basin, dig a six foot ditch.

2. Open a ditch between Calliope and Euphrosine streets on south side of canal for drainage of Euphrosine street.

3. Open and clean out ditch on north side of Calliope street, between Claiborne and Willow streets.

ART. 1874. That the City Surveyor is hereby directed to furnish lines and levels for single track in each case from the main tracks on Euphrosine and Calliope streets to property of company known as "government yard," as per tracing in the Surveyor's office; provided, that where such tracks cross the Claiborne canal the company shall revet same under such crossing, all in accordance with lines and levels of the City Surveyor and under his instructions and supervision.

City Surveyor.
Ib.

LOUISVILLE AND NASHVILLE RAILROAD.

(Formerly New Orleans, Mobile & Chattanooga Railroad.)

Right of way
through streets.
Ord. No. 773,
N. S.
Nov., 1867.

ART. 1875. (1) That the New Orleans, Mobile & Chattanooga Railroad Company is hereby authorized and empowered to locate, construct and maintain, and thereafter to manage and use, by running thereon its engines and cars, and trains of cars, a railroad with two tracks and the necessary turnouts to and from their depots, along and upon the central portion of the neutral ground in the centre of Claiborne street from the northeasterly side of Canal street to the line of Poydras street, thence by a curved line to Lafayette street, thence along and upon Lafayette street to Locust street, thence across the intervening streets and grounds lying between Lafayette street, Perilliat and Girod streets to Rampart street. And the said company is hereby authorized and empowered to construct, maintain, manage and use by running thereon its freight cars, drawn by the power of horses or mules, a railroad with one track upon and along Girod street from Liberty street to the Mississippi river, with necessary turnouts to and from a freight depot located on any grounds near the levee which the said company may acquire for the purpose; provided, however, that in the construction of such railroad on Girod street, and the turnouts thereof, only such iron rails shall be used as shall least impede the traffic of the streets, and such as shall be approved by the City Surveyor.

Passenger and
freight de-
pots.

ART. 1876. (2) That the said New Orleans, Mobile & Chattanooga Railroad Company is hereby authorized and empowered to locate, construct, and thereafter to maintain and use, for the safe and convenient transaction of its business, a passenger depot and a freight depot, as it may deem necessary for its purpose, upon the three blocks bounded by Girod street, Liberty street, Lafayette street and Rampart street; and to close and occupy for such purpose that portion of Franklin street and that portion of Basin street lying between Girod street and Lafayette street; and the said company is

hereby further authorized and empowered to enclose for its business and purposes the three blocks of ground bounded by Perilliat street, Locust street, Lafayette street and Liberty street; and to close and occupy for its business and purposes that portion of Howard street lying between Perilliat street and Lafayette street, and that portion of Perilliat street lying between Liberty street and Locust street.

ART. 1877. (3) That the said New Orleans, Mobile & Chattanooga Railroad Company is hereby authorized and empowered in locating, constructing and using their railroad eastward from Claiborne street, to construct across and cross all streams, bayous and water channels within the corporate limits of the city of New Orleans, with close or continuous bridges. And the said company shall not be required to erect and maintain draw-bridges at any points except across Carondelet Canal, as provided in Ordinance No. 472, New Series.

To construct bridge.

ART. 1878. (4) That the city of New Orleans will, for the furtherance and promotion of the interests of said company, and to aid in the accomplishment of its purposes and objects, as well as for the advancement of the interests of the city at large, cause to be opened for the public use an extension of Claiborne street from St. Bernard avenue to Fayette avenue; such extension to be in a direct line with and of the same width as that portion of Claiborne street between St. Bernard avenue and Canal street and the neutral ground in the centre of said extension, to be laid out and planted with trees in the same manner as the neutral ground now in that portion of Claiborne street before referred to; and the right of way for two tracks is hereby granted to said company along and upon the central portion of said neutral ground in such extension, such right of way being upon the same line as heretofore granted to said company by the city.

Opening of streets.

ART. 1879. (5) That the said company shall, before constructing said lines of railroad and said depots, acquire the title to all private property to be occupied and used therefor, by purchase, or in such other manner as

Title to private property.

shall be in accordance with the laws of the State of Louisiana.

Streets not to
be impaired.

ART. 1880. (6) That the said company shall, immediately after the construction of the tracks of its railroad and turnouts across any street, restore such street in such manner so that its usefulness shall not be impaired nor the passage of traffic thereon be unnecessarily impeded.

Trees not to
be injured.

ART. 1881. (7) That the trees now standing upon the neutral ground on Claiborne street shall not be removed or injured by said company in the construction of its tracks and depots, excepting where they have to be removed for the turnouts to and from the depots.

Drainage of
streets.

ART. 1882. (8) That in the construction of the said lines of railroad, and the tracks and turnouts thereof, the said company shall not, in any manner, obstruct or impair the drainage of the streets along, upon and across which the said railroad is hereby located, and that the said company shall, at all times and in every respect, be bound to conform with the levels and grades to be established by the City Surveyor of New Orleans; and whenever the company shall find it necessary to cover the channel of any drain, the sides thereof shall be first protected with brick or wood in a good and substantial manner; and such covered channels shall be kept in repair, open and clear for the passage of water, by said company.

Construction
of depots.

ART. 1883. (9) That all of said depots shall be constructed in the most substantial and best workmanlike manner, with walls of brick, and roofs covered with slate or metal, and they shall be designed and completed in such a manner as to make them, in every respect, first-class depot buildings.

Trains and
cars.

ART. 1884. (10) That the said company shall not, at any time, suffer or permit its engines, cars, or trains of cars, to remain standing upon any street or crossing upon its said lines of road, or to obstruct crossings in any manner whatsoever, except so far as may be done by said trains in motion. The regulations of the company shall require that the bells of all trains in motion

shall be constantly rung, and that no steam whistle shall be sounded, and that no train shall move at a greater rate of speed than five (5) miles per hour while south of Elysian Fields street. Bells and whistles.

ART. 1885. (11) That the said New Orleans, Mobile & Chattanooga Railroad Company is authorized and empowered to assign the rights and privileges herein granted to it to a company to be organized in its interest, under the laws of Louisiana, for the purpose of constructing that portion of its road lying within the State of Louisiana, if such an assignment shall be found necessary and expedient to enable the company to construct its line of road and to complete the purposes of its corporation. Transfer of rights and privileges.

ART. 1886. (12) That if the said New Orleans, Mobile & Chattanooga Railroad Company shall not complete the line of road for traffic between this city and the city of Mobile within the time designated in its charter (*id est*, prior to the 24th day of November, 1869), or that it should fail, from any fault of its own, either for the want of means or any cause to maintain and have a regular communication and means of traffic between said cities, then the rights and privileges which are hereby granted to said company shall be forfeited and revert to the city of New Orleans. Forfeiture.

ART. 1887. (13) That nothing contained in the above resolutions, or in the grant of rights and privileges to the said company, is intended or shall be construed as binding the city of New Orleans or making her in any way liable or responsible to the said "New Orleans, Mobile & Chattanooga Railroad Company," or its assigns, for any loss, damage or injury which might arise to them, or either of them, should the said company or its assigns be in any manner or way interfered with or deprived of any or all of said rights or privileges, by any means, or for any cause, or any ground whatever, other than the act of doing of the legally constituted authorities of the city of New Orleans. City not responsible.

1. That permission is hereby granted to the New Orleans, Mobile & Chattanooga Railroad Company to

Engine house.
Ord. No. 35,
A. S.
April, 1870.

erect upon a part of the block bounded by Water, Calliope, Pilié and St. Joseph streets, a one-story building, to be used for storing of locomotive engines; such building to be constructed of wood, with roof of slate or other fire-proof material; provided, that the end wall of the building toward Calliope street shall be built of bricks. And further permission is hereby granted to the said company to erect upon a part of this block bounded by St. Joseph, Water, Pilié and Julia streets, a one-story building to be constructed of wood, with roof of slate or other fire-proof material; such building to be used for storing and cleaning passenger cars.

Revocation.

ART. 1888. (2) That the permission granted by the foregoing resolution shall continue during the pleasure of the government of the city of New Orleans for the time being, and the said company is hereby bound (and accepts the permission on this condition) to remove said building within sixty days after being notified to do so.

Ferry landing.
Ord. No. 1793,
A. S.
Aug., 1872.

ART. 1889. (1) That permission is hereby granted to the New Orleans, Mobile & Texas Railroad Company to land at the foot of Canal street, free of charges, the steamer Frances or any ferryboat belonging to said company, connecting with their railroad depot on the west bank of the Mississippi, for the purpose of receiving or landing passengers; provided, that the company avails itself of this permission in such a manner as not to obstruct the business of the Vicksburg packets or other boats that pay regular wharfage dues; and provided further, that this permission is subject to revocation at the pleasure of the Council.

Branch track.
Ord. No. 4436,
A. S.
April, 1878.

ART. 1890. (1) That the New Orleans & Mobile Railroad Company, trustees, receivers, its successors and assigns, be and they are hereby authorized and empowered to locate and establish, and thereafter to maintain and use a regular track with all its switches, turn-outs and sidetracks that may be necessary, according to lines and levels to be furnished by the City Surveyor, and to operate the same by steam or otherwise, for the transportation of merchandise and other freight, com-

mencing at a point at or near the head of Esplanade street, thence along the levee front to a point at or near the head of Clouet street.

ART. 1891. (2) That this right of way, franchises Term of grant. and privileges is granted for a term of twenty-five years, with the privilege of an additional extension of twenty-five years on the conditions following, to-wit:

ART. 1892. (3) That the said New Orleans & Mobile Railroad Company shall have the track in running order Condition of grant. by the first day of October, 1878.

ART. 1893. (4) That said company shall provide suitable crossings, Crossings. where required, for the passage of drays and vehicles, by planking to the full length of its cross-ties such portion of said tracks as are within the limits of Esplanade and Clouet streets, except at the intersection of streets that are paved with block stone, which shall be paved between the tracks and three feet outside of the tracks.

ART. 1894. (5) That said grantees are to replace, Streets and levee. in good order and condition, so much of the streets or levee as may have been disturbed or torn up by the construction of said railroad, and when the same passes through paved, or streets which may hereafter be paved, the said company shall keep, in like order and condition, a space of five and one-half feet each side of the centre line of said road. All work shall be executed under the direction of the City Surveyor, and completed to the satisfaction of the Administrator of Improvements.

ART. 1895. (6) That nothing in this ordinance con- No compromise. tained or in the act of granting or accepting it shall be construed to compromise, settle, or in any manner determine or affect the various questions now in controversy or suit between the city of New Orleans and the said railroad company, and neither party, so far as those questions are concerned, shall be benefited or prejudiced thereby.

ART. 1896. (2) That the New Orleans, Mobile & Texas Railroad Company, as reorganized, their assigns Right of way. Ord. No. 7009, A. S. April, 1881. and successors, be and they are hereby authorized to construct, maintain and use in the same manner as they

are now authorized to construct, maintain and use other portions of their road, the tracks shown upon the map at and between Poydras and Bienville streets, and the requisite right of way therefor along and across streets is hereby granted and confirmed to the said New Orleans, Mobile & Texas Railroad Company, as reorganized, its assigns and successors.

When the new tracks are constructed that part of the old track now in use as indicated on said map. and between said streets, Bienville and Poydras streets, shall be removed further away from the bank of the river so as to enlarge the space on the levee.

Passenger depot.

ART. 1897. (3) That the use and occupancy of a certain portion of ground, situated on the north side of Canal street, eighty feet wide on Canal street by two hundred and sixty-seven feet long, running in parallel lines toward Customhouse street, for a passenger depot to be constructed by said railroad company, according to the plan submitted herewith, is granted to said New Orleans, Mobile & Texas Railroad Company, reorganized, its assigns and successors, for thirty years, with the privilege of renewal for a like term, the city will immediately have removed so much of the present structures on said ground as the railroad company may desire. And in consideration wherefor, said railroad company agrees and binds itself to pave with square blocks of stone the space of ground between the north end of said depot and Customhouse street, and indicated in the plan heretofore referred to, exclusive of the portion already paved; also paving a street to be laid off on the river side of said depot, thirty feet wide, extending from Canal to Customhouse streets; also the lower end of Canal street, opposite the south end of said depot, a space of ground 80 by 100; also to pay the city's proportion of price for paving the north side of Canal street, from the north curbstone of said street to the neutral ground in said street, extending as far up as Front street, being a space of about 300 feet long by 40 feet wide, whenever the property holders contiguous to the same shall apply for the pavement of

To pave street.

said latter space of ground and pay their share of the price for the same.

ART. 1898. (5) That nothing in this ordinance contained or in the act granting or accepting it shall be construed as affecting any other grant by the city or State, not to compromise, settle, or in any manner determine or affect any question now in controversy between the city of New Orleans and said railroad company, and neither party, as far as those questions are concerned, shall be benefited or prejudiced thereby.

Other grants
not affected.

ART. 1899. (1) That the Louisville & Nashville Railroad Company and its successors and assigns, be and are hereby authorized and empowered to locate, construct and maintain an extension of their tracks, together with the necessary switches, turnouts, bridges, sidings and structures of every kind, approved by the City Surveyor and City Council, and appertaining to said railroad, from their present track on the neutral ground on Elysian Fields street, at the intersection of said street with Claiborne street, down along and upon Claiborne street to Lafayette avenue, thence along and upon Lafayette avenue to Goodchildren street, or St. Claude, thence along and upon Goodchildren street or St. Claude, between Piety and Independence streets to the Mississippi river, with the right to extend its track along the said river front from the lower limits of the city to the upper side of Port street, to connect with the Belt railroad; provided, the said company shall keep throughout their length and breadth, excepting banquettes, the streets and avenues it may occupy with its said extension tracks at all times in good order and repair, and make and keep in repair all necessary culverts for the passage of all rain and surface water, and the railroad company is also to plank, according to specifications, lines and grades to be furnished by the City Surveyor, the entire streets twenty-five feet in width, and the gutters of Claiborne street and the said street to be selected to reach the Mississippi river, which are hereby granted to the Louisville & Nashville Railroad Company on Claiborne street and other streets through which it passes, shall not

Right of way.
Ord. No. 7793,
A. S.
May 2, 1882.

Proviso.

Grants to other
railroads.

exceed twelve feet in width, and that the privileges herein conferred do not interfere with the grants made heretofore by the State of Louisiana, or the city of New Orleans, to other railroad companies, and that the City Surveyor shall first locate the tracks of the Northeastern Railroad Company on that portion of St. Claude street, occupied by both railroads.

Section 1, amended by Ordinance No. 340, Council Series, adopted June, 1883.

Batture and
wharf rights.

ART. 1900. (2) That said Louisville & Nashville Railroad Company, its successors and assigns, shall have the right, and the same is hereby conferred, to occupy, for its purposes and uses, six hundred (600) continuous feet of that portion of the levee and batture and wharf in the city of New Orleans, beginning at the street to be selected by the said railroad company, and extending said distance up or down the river front; that the said railroad company shall have the right, and the same is hereby conferred, to erect and maintain, at their own expense, that portion of the levee batture and wharf, such ferry facilities, wharves, terraced bulkheads, piles, machinery, elevators, yards, tracks, depots, stations, sheds and other structures as shall be necessary and convenient for the transaction of its business, maintenance and protection; provided, said company shall keep said wharves and terraced bulkheads in repair and construct the same to the satisfaction of the City Surveyor.

Wharves and
bulkheads, etc.

Construction
of and repairs.

ART. 1901. That the said company shall replace the wharves constructed by the city and occupied by said company, at such points as may be designated by the Administrator of Commerce and Improvements and the City Surveyor, and shall pave Levee street with square granite blocks, from the extremity of the paving on that street, or from Poland street to the Convent, thirty feet in width, and the city of New Orleans shall be entitled to all the cobble stones now on said street, removed by the said Louisville & Nashville Railroad Company, between Poland street and the Convent, and the said company shall commence the construction of

Paving.

Cobble stones.

the square block pavement immediately after said company obtains possession of the six hundred feet of river bank and levee conceded and allowed to them by this ordinance, and continue and finish the same within one year, and the said company shall commence the construction of the planking of Claiborne street and the street selected by them to reach the river, and finish the same within one year from the acceptance of this ordinance.

ART. 1902. (3) That no vessel shall occupy or lay at such wharves, discharge or receive cargo thereat, without the consent of said company, or its successors or assigns, and all vessels lying at and using said wharf by consent of said company, and on the business of said company, shall be exempt from the payment of levee or wharf dues to the city of New Orleans, said wharves and other structures to be well lighted and policed by the said company, at its own expense, to the satisfaction of the Administrators of Police and Commerce, and the City Surveyor.

ART. 1903. Any vessel lying at said wharves with the consent of said company, but not on its business, nor for the purpose of receiving or discharging freight or passengers to or from said company as a carrier, shall pay usual wharfage dues to the city; provided, that no wharf privileges herein granted shall go into effect until the consent of the present wharf lessee is obtained.

ART. 1904. (4) That all rights and privileges granted by this ordinance are upon the express condition that in the transportation of freight over the Louisville & Nashville Railroad, there shall be no unjust discrimination in the rate of charges to New Orleans, but it is not intended by this section to deprive said company of the right to charge the same rate per ton per mile on freight that may be charged on any other railroad running into the city of New Orleans; and also on the express condition that all the obligations imposed by this ordinance on the said company shall be complied with in good faith, and the failure or neglect to do so shall render all

Commence-
ment and com-
pletion of work.

Wharves; oc-
cupancy of.

Lighting and
policing.

Wharf dues.

Consent of
wharf lessee.

Discrimination
in freights.

Rate per ton
per mile.

Privilege;
when void.

the grants, rights and privileges conferred on said company by this ordinance null and void.

Right of way on Claiborne street under Ordinances Nos. 472, 772 and 1470, N. S., repealed by Ordinance No. 2085, C. S.

Use of Claiborne street declared dangerous.

Ord. No. 4506, C. S.

May 13, 1890.

ART. 1905. Whereas, the Louisville & Nashville Railroad Company are now laying tracks upon Claiborne street and propose to use the same as a general belt for their own use, and the use of any other roads centring here without authority from this Council, and entirely under the claimed right of an act of the General Assembly of the State of Louisiana, this Council hereby declares that the above use of Claiborne street is against the interest of this city and dangerous to the lives of its people, and of great danger to the value of the property adjacent thereto; therefore be it

Resolved, That his Honor the Mayor be and he is hereby requested and directed to convey the full facts of the same to his Honor the Governor of the State of Louisiana, and urgently request that he recommend, in the interest of the people of this city, to the General Assembly of the State of Louisiana, the repeal of any and all grants now claimed by the Louisville & Nashville Railroad Company upon Claiborne street, and that his Honor the Attorney General of the State of Louisiana take such action in the premises as in his judgment may best accomplish the object of this resolution of the Council.

Rearrangement of tracks.

Ord. No. 9331,

C. S.

June 26, 1894.

ART. 1906. That the blue print plans showing the construction of a certain proposed track and the rearrangement of certain existing tracks by the Louisville & Nashville Railroad Company on the levee, between Lafayette and Calliope streets, prepared and submitted by the City Engineer, are hereby approved, and be it resolved, that the Louisville & Nashville Railroad Company may construct the said track and rearrange the said existing tracks, and that the City Engineer be and is hereby authorized to furnish the said Louisville & Nashville Railroad Company with lines and levels for the same in accordance with the said blue print plans.

MORGAN'S LOUISIANA & TEXAS RAILROAD & STEAMSHIP
COMPANY.

ART. 1907. (1) That one hundred and twenty-five feet of the Mississippi river, commencing at the lower side of the ferry landing at St. Ann street, extending down with the landing, be and the same is hereby set apart and appropriated for the use of the New Orleans, Opelousas & Great Western Railroad Company, for freight and ferry purposes; the said company to make and construct all improvements and keep same in repair at their own expense.

Ferry and landing privileges.
Ord. No. 799,
N. S.
Dec., 1867.

ART. 1908. (1) That Charles Morgan, or whoever may be now or hereafter in rightful possession of the railroad built and now in operation, from New Orleans to Berwick's Bay, formerly known as the New Orleans, Opelousas & Great Western Railroad, now called Morgan's Louisiana & Texas Railroad, is authorized to use so much of the river front and batture, commencing at the upper line of Marigny street and extending up the river front, as may be necessary for a ferry landing for boats to land bow on, and load and receive loaded or empty railroad cars, not to exceed four hundred feet of said river front, and to lay such tracks, sidetracks, switches and turnouts as he may require for loading and unloading freight on the space of levee or batture front, commencing at the aforesaid upper line of Marigny street and extending up to the lower line of Barracks street, and from the river to the street.

Additional
ferry privileges
Ord. No. 1038,
A. S.
Aug., 1871.

ART. 1909. (2) That the said railroad proprietor may connect with the Pontchartrain Railroad, and use the track of said railroad, with the consent of that company, on the levee or Champs Elysees street; provided, that all wharves and landings embraced in the said seven hundred feet, except that used for ferry landing of boats, shall be open for the landing of vessels at the wharves, and the discharge of cargoes on said space, subject to present city ordinances.

Connection
with Pontchar-
train Railroad.

ART. 1910. (3) That said Charles Morgan be and he

Steam power
to load and un-
load cars.

is hereby authorized and empowered to connect his ferry landing and batture by means of a track with the small square of ground bounded by St. Ann, St. Peter and Peters streets, and the track of the Pontchartrain Railroad Company, which small square of ground Mr. Morgan now occupies. And for the objects herein named, Charles Morgan shall have the right to use at all times steam power to load and unload cars, to switch, to move and to propel his cars and trains; provided further, that the city may annul this privilege, or any part of it, and order the removal of all works or tracks made or laid under this ordinance, upon giving six months' notice and paying the cost of the works and tracks; otherwise the grant shall continue ten years.

Ferry land-
ing, depots and
tracks.

Ord. No. 6015,
A. S.
June, 1879.

ART. 1911. (1) That the Morgan, Louisiana & Texas Railroad & Steamship Company be and they are hereby authorized and empowered to locate, construct, maintain and use for the passage of engines and passenger and freight cars, etc., all tracks, curves and switches necessary for the transaction of the business of the company on the river front of the city, within the following limits: Commencing at the upper line of Marigny street and extending up the river front and along the river to the upper line of Barracks street, and running back to Levee or Peters street, and at upper line of Barracks street to connect with the tracks now belonging to said Morgan Company, and acquired through Charles Morgan from the Pontchartrain Railroad Company, and also to construct tracks to connect with their depots, warehouses and other places; provided, that no other tracks in addition to those now in existence shall be laid on the levees between Hospital and Julia streets.

Depots, ware-
houses, etc.

ART. 1912. (2) That for the accommodation of passengers and for the storing of freight, etc., said Morgan Company is hereby authorized and empowered to construct, locate, maintain and use, on the land bounded by the upper line of Marigny street, the river, the lower line of the upper division of Elysian Fields street, depots, warehouses, turntables and all buildings and constructions necessary and proper for the transaction

of their business, as per plans and specifications to be agreed upon and adopted by the Council of the city of New Orleans.

ART. 1913. (3) That all of that portion of the river front between the extension of the upper line of Marigny street and the extension of the upper line of Barracks street, with the use in connection therewith of the land back to Levee and Peters streets, is hereby set apart as a landing for the exclusive use of the ferryboats and barges owned by said Morgan Company, running as part of and in connection with said railroad and used for ferries or carrying freight for said railroad (provided, no steamship or other sea-going vessels shall land at said wharf without paying wharfage); and said company is authorized to build within said limits and to maintain (provided it be done at their own expense) for their exclusive use, under the direction and supervision of the Administrator of Commerce and Improvements and the City Surveyor, and as per plans and specifications to be adopted by the Council of the city of New Orleans, all wharves, landings and other constructions necessary and proper to facilitate the safe and convenient landing of the said ferries, etc., and in such manner as will enable them to land and receive their trains of cars; and they are authorized and empowered to use any number of ferryboats and cross the river, and continue the use of their ferry landing on the right bank of the river, and unite their depots on both sides of the Mississippi river by such vessels and in such manner as may be necessary to make a safe and convenient transit of their cars and freight and passengers.

ART. 1914. (4) That said Morgan Company are hereby authorized and empowered to connect the tracks laid and to be laid by them, as aforesaid, with those of the New Orleans & Jackson and Mobile Railroads, and to connect this new landing and the grounds now occupied by them at and near St. Ann street; provided, that nothing in this section shall be construed as right or permission to increase number of tracks, as now limited by section 1 of this ordinance, and they are authorized to do all

Ferryboat
landing.

To connect
with other
tracks.

things necessary and proper to enable them to use the grants made in this ordinance, and which are necessary to the powers herein granted. That within the limits hereinabove named, from Marigny to Barracks streets, there shall be no restrictions as to the number of sidings and switches to be laid and used by said railroad company; the tracks along the levee to be laid under the supervision and instructions of the City Surveyor and Administrator of Commerce and Improvements; and provided, further, that no tracks additional to those now in existence shall be laid on the levee, between Hospital and Julia streets.

Extension of
tracks.

ART. 1915. (5) That if said Morgan Company shall hereafter acquire the ownership of the lots bounded by Marigny, Mandeville and Levee streets and the river front, then the said company shall have the right to extend their tracks into and in front of said lots, in such manner as to connect said property with their landings, and their depots and warehouses, and also build depots on said lots; provided, that nothing in this section shall be construed as giving said company the right to obstruct or close Marigny street.

Terms and
conditions of
grant.

ART. 1916. (6) That the rights herein granted for railroad tracks, curves and switches, depots and warehouses, and landings and wharves, and which are hereinbefore more specially named, are granted so long as the same shall be used by the Morgan Company, or by their assigns, vendees or successors, for railroad purposes, for and not to exceed a term of thirty years, and are granted for the consideration named in this contract; provided,

To run ferries.

(a) That for and in consideration of all of the above, the said Morgan Company, their assigns and successors, shall construct, establish, run and maintain a ferry or ferries to ply between the landings herein granted and their depots, on the right bank of the Mississippi river, with the means and appliances for carrying passengers, freight, and loaded and unloaded cars across the river.

Extension of
railroad.

(b) That said Morgan Company bind themselves to build, or have built, and complete within the time stipu-

lated in their charter, a railroad extending from Berwick Bay to the Sabine river, to connect at that point with the road now running from the Sabine river to Houston, Texas, there to connect with the Houston & Texas Central Railway and other roads running from that point to north and west Texas; otherwise this ordinance to be null and without force or effect.

(c) That the said Morgan Company obligate themselves, at their own expense, to remove Port Market and rebuild the same on such lots, to be purchased by said company, at their expense, as the city shall designate; also, at the expense of the said company, to remove and rebuild the building now occupied by the Hope Hook and Ladder Company No. 3, to be placed on some lot of equal value in the vicinity, to be purchased by the Morgan Company. Said buildings to be built in accordance with plans and specifications to be furnished by the City Surveyor and under the supervision and instructions of the Administrator of Waterworks and Public Buildings.

To remove
Port Market
and Hope Hook
and Ladder No.
3 buildings.

(d) That said Morgan Company shall remove and rebuild, at their own expense, and at such place as shall be designated by the Administrator of Commerce and Improvements and the City Surveyor, the wharf at the foot of Esplanade street, now used as a steamship landing; also, at the expense of said company, the Third District ferry wharf; and also, any and all other wharves, of the use of which the city of New Orleans may be deprived by the laying of tracks or building of depots of said company.

To remove
and rebuild
wharves.

(e) That if an arrangement be made satisfactory to Henry Ellerman, wharf lessee, and said Morgan Company, rendering the removal of said wharf unnecessary, then the said Morgan Company shall not be required to remove said wharf and may retain the use of the same.

(f) That if the said Morgan Company fail to make an arrangement with said wharf lessee, or legally acquire a right to the use of said wharf, then they shall not use said wharf or interfere with its use until the expiration of the lease of said lessee, which expires in 1881.

Wharves to be
maintained in-
good order.

(g) That said Morgan Company bind themselves, their assigns and successors, at their own expense, to maintain in good order the wharves on the river front, the exclusive use of which is hereby granted to said company; they also bind themselves to conform to the grades and limits to be established by the City Surveyor and Administrator of Commerce and Improvements in the construction of the railroad, tracks, switches curves, depots, warehouses, platforms, etc.; also, to do whatever is necessary in the laying down of the tracks to prevent the disturbance of drainage or impeding unnecessarily the passage of vehicles or passengers through the streets. And they further bind themselves to repair and keep in repair all streets, crossings, bridges and thoroughfares in, over and through which their tracks run or may run under this ordinance.

Prohibition of
any conflicting
ordinance.

A. S. 6015.
June, 1879.

ART. 1917. (8) That no future administration of the city of New Orleans shall have the right to pass any ordinance or ordinances which shall conflict with this ordinance, except that in case another railroad company connecting this city with Texas shall desire the use of the depot and tracks laid down by the Morgan Company between Barracks and Marigny streets, the City Council reserves the right to grant said railroad company, with the consent of the Morgan Company, the privilege to use said depot and tracks, after payment to the Morgan Company of a proportionate share of the expenses of erecting said depot and laying said tracks, the same to be ascertained by two experts, one representing the Morgan Company and one representing the other railroad company, and in case of non-agreement the city to appoint a third party, whose decision shall be final.

Extension of
grant.

ART. 1918. (7) That the lease and grant of the ferry ib. and landings at and near the foot of St. Ann street, as per Ordinance No. 2290, Old Series, approved July 10, 1855, and Ordinance 799, New Series, approved December 16, 1867, and other ordinances and statutes, now held by Morgan's Louisiana & Texas Railroad & Steamship Company, be and the same are extended for thirty years from approval of this ordinance; provided,

that nothing herein contained shall be construed as prohibiting the city of New Orleans from selling and granting the ferry privilege at the head of St. Ann street, known as the Second District Ferry, and now under lease to J. T. Burdeau, reserving to the railroad company, however, the full and undisturbed use of the wharf at which said ferry now lands, and which the said railroad company is to obligate itself to keep in repair; the lessee of said Second District Ferry to keep in repair the necessary passenger and vehicle gangways used by the said ferry and connected with said wharf.

ART. 1919. (9) That the City Surveyor be and he is hereby directed to prepare plans at the expense of said company, representing the grounds, streets and landings, etc., the use of which is granted to said Morgan Company by this ordinance, which plans, after approval of City Council, shall be deposited in the office of the City Surveyor, and shall be used for the purpose of accurately describing the extent of the grant herein made.

City Surveyor
to prepare
plans.
Ib.

ART. 1920. (1) That the said Morgan's Louisiana & Texas Railroad & Steamship Company, under the direction of the Administrator of Commerce and Improvements and the City Surveyor, to so arrange their landings as to permit the stern of their boats to project seventy-five (75) feet below the lower line of Marigny street; provided, that the said Morgan's Louisiana & Texas Railroad & Steamship Company shall rebuild, at their own expense, at such points as may be designated by the Administrator of Commerce and Improvements and the City Surveyor, any and all wharves of the use of which the city of New Orleans may be deprived by the granting of the above privilege.

To arrange
landings.
Ord. No. 6021,
A. S.
June, 1879.

ART. 1921. (10) Any material violation of the foregoing provisos shall act as a forfeiture and annulment of all the rights and grants made under this ordinance, and it shall not be necessary for the city of New Orleans to put said company in default as per Article 1911, Civil Code.

Penalty.
Ord. No. 6015,
A. S.
June, 1879.

ART. 1922. WHEREAS, Morgan's Louisiana & Texas Railroad & Steamship Company by Ordinance No.

6015, Administration Series, and other ordinances and statutes, have a lease of the landings at and near the foot of St. Ann street, and under several ordinances and acts have for many years occupied the tract of land in front of Jackson Square, bounded by St. Ann, Decatur (or Old Levee) and St. Peter streets, and the Levee (or Clay street), being about three hundred and fourteen feet in length and one hundred and twenty feet in depth, and have applied for a lease of said tract of land for a term of years.

Lease and price.
Ord. No. 6173,
A. S. ART. 1923. (1) That said described tract of land be and the same is hereby leased to said Morgan Company for the term of fifty years.

Consideration. ART. 1924. (2) For and in consideration of said lease the said company shall pay in cash the sum of thirty-five thousand dollars.

Tracks and buildings. ART. 1925. (3) The railroad tracks as now laid by said company in front of said tract of land shall not be disturbed by the city during this lease.

Buildings. ART. 1926. (4) The said company shall, during said lease, have the right to erect buildings of brick, or brick and wood, or wood only; provided, the roof be of combustible material.

Improvement to revert to the city. ART. 1927. (5) At the expiration of said lease the improvements on said property shall revert to the city of New Orleans, at a price to be fixed by a majority of three commissioners, one to be selected by the city, one by said company, and one to be selected by the said two commissioners.

Port Market.
Ord. No. 7943,
A. S.
July 12, 1882. ART. 1928. WHEREAS, Section six (6), paragraph three (3), of Ordinance 6015, A. S., provides for a renewal and rebuilding of Port Market at the expense of Morgan's Louisiana & Texas Railroad & Steamship Company upon such lots to be purchased by said company as the city shall designate; and whereas, said obligation of said Morgan's Louisiana & Texas Railroad & Steamship Company was subsequently, at the request and instance of the city, so modified as to provide for the building of two markets at points designated by the city; and whereas, said Morgan's Louisiana

Two markets.

& Texas Railroad & Steamship Company has in execution of its said obligations aforesaid under said Ordinance 6015, A. S., built the Delamore and Guillotte Markets in accordance with plans and specifications furnished by the City Surveyor, and under the supervision and instructions of the Administrator of Waterworks and Public Buildings; and whereas, the lots on which Delamore Market is built already belong to the city; and whereas, it is desirable that the assent of the Council to said modification of said obligations of said company, and its satisfaction with said modified agreement and with the manner in which the same has been executed, should be placed of record.

Delamore
Market.

Modifying
contract.

ART. 1929. (1) That the city of New Orleans, through its Common Council, recognizes and acknowledges that said Morgan's Louisiana & Texas Railroad & Steamship Company has built said Guillotte and Delamore Markets in accordance with the wishes of this Council, and with plans and specifications furnished by the City Surveyor, and under the supervision and instructions of the Administrator of Waterworks and Public Buildings, and hereby accepts and admits possession of said markets.

Guillotte and
Delamore Mar-
kets.

ART. 1930. (2) That the said city, through this Council, acknowledges that it has received payment of the sum of nine hundred dollars in cash from said Morgan's Louisiana & Texas Railroad & Steamship Company, in lieu and stead of and as an equivalent of the obligations of said company, to buy a site for Delamore Market.

Obligations
complied with.

ART. 1931. (3) That in consequence of the payment of said price and the execution that has been made to it of a full and perfect title to the lots upon which Guillotte Market is located, this Council and the city of New Orleans admits that said Morgan's Louisiana & Texas Railroad & Steamship Company has fully complied with all its obligations under said section six (6) and paragraph three (3) of Ordinance 6015, A. S., and has become fully entitled to all the benefits and advantages by said section six (6), paragraph three (3), of Ordinance 6015, upon it conferred in so far as the site of said Port Market is concerned.

- Notarial act. ART. 1932. (4) That the Mayor be and is hereby authorized to execute a notarial act setting forth and admitting the facts aforesaid, and acknowledging title in the name and on behalf of the city, to lots upon which said Guillotte Market is located; and in said act to declare and admit on behalf of said city that said Morgan's Louisiana & Texas Railroad & Steamship Company is vested with the right of use and occupancy of the site of said Port Market for the full term of thirty years, as set forth and stipulated in said Ordinance 6015 aforesaid; and further, to declare that said company has fully complied with all its obligations under said section 6, paragraph 3, Ordinance 6015, save as to the removal and rebuilding of the building now occupied by Hope Hook and Ladder Fire Company No. 3; provided, that nothing in this ordinance shall be so construed as to relieve the company from any other duties or obligations to the city under said Ordinances 6015 and 6021, A. S.
- Occupancy of site of Port Market.
- Proviso.
- Switch Ord. No. 7993, A. S. Aug. 8, 1882.
- Location and connection.
- ART. 1933. (1) That Ordinance No. 6015, Administration Series, approved June 17, 1879, be amended, and that the Morgan's Louisiana & Texas Railroad & Steamship Company be authorized and empowered to construct a switch of the same gauge as that of the Louisville & Nashville Railroad, about eighteen feet outside of or on the river side of the Louisville & Nashville track, from about midway between the prolongation of Barracks and Esplanade streets to a point about twenty-five feet from the prolongation of the upper line of St. Ann street, connecting the same with the main track of the Louisville & Nashville Railroad Company at that point.
- Authorization by the Council relative to exchange of switches.
- ART. 1934. (2) That when this switch be thus constructed the Morgan's Louisiana & Texas Railroad & Steamship Company be authorized and directed to enter into a contract with the Louisville & Nashville Railroad Company by which they may exchange said switch with the Louisville & Nashville Railroad Company (midway between the prolongation of Barracks and Esplanade streets to the prolongation of the upper line of St. Ann street), for the present track of the Louisville & Nashville Railroad between said points, connect above and

below with the other tracks of the Morgan's Louisiana & Texas Railroad & Steamship Company, and with their tracks and right of way purchased by them from the Louisville & Nashville Railroad Company, by act passed before Andrew Hero, Jr., notary public, November 18, 1881, and thus enable them to run their trains over the whole united lines.

ART. 1935. (3) In order the more conveniently to make transfer of passengers and baggage, the Morgan's Louisiana & Texas Railroad & Steamship Company and the Louisville & Nashville Railroad Company are authorized to erect a waiting-room or transfer shed, thirty feet wide, adjoining the said newly-constructed switch, commencing about the extension of the upper line of Barracks street and extending upward one hundred feet.

ART. 1936. (4) That Morgan's Louisiana & Texas Railroad & Steamship Company be and it is hereby authorized and empowered to construct, and thereafter use, own and maintain, for the purposes of its business, a switch or turnout, commencing at a point on its main line about fifteen feet below the upper line of Gravier street and extending along and on the levee or batture to and recross Poydras street, and into its depot, at such point or points most convenient to said company, and there connecting with its tracks.

ART. 1937. And for the above privileges and grants said company shall keep in good order and repair so much of the batture or levee aforesaid as lies between Delta street and the switch or turnout aforesaid, and shall, at its own expense, pave with square block granite, and for its entire width, so much of Poydras street as fronts on its depot, to-wit: a front of 120 feet by a width of 41 feet; and, in addition thereto, said company shall construct a brick sidewalk in front of its depot on Poydras street, from Delta to Water streets. And said company shall also, at its own expense, and in consideration of the aforesaid grants and privileges, properly construct, under the direction and specifications of the City Surveyor, a bulkhead, commencing at the upper

line of the wharf now being erected by said company, between Ursulines and Hospital streets, and extending down to the garbage wharf, foot of Barracks street, filling up with earth, and compactly, the space between said bulkhead and the present levee; and for this purpose said company is authorized to excavate sand from the batture outside of the bulkhead.

Preparation
of plan.

ART. 1938. (5) That the City Surveyor shall prepare a plan at the expense of said Morgan's Louisiana & Texas Railroad & Steamship Company representing the privileges granted by this ordinance, which plan, after approval by the Mayor, shall be deposited in the office of the City Surveyor for reference as to detail and extent of this grant.

Where de-
posited.

Requirements
of Railroad Co.

ART. 1939. (6) Said company shall also build a bulkhead commencing at a point opposite the prolongation of Madison street and extending down to a point opposite the prolongation of St. Philip street; said bulkhead to be built on a line twenty-five (25) feet distant from the track to be newly laid down, and according to the specifications and other requirements which govern the building of bulkheads by the wharf lessees; the space in the rear of such bulkhead to be filled to a grade to be established by the City Surveyor, and to be done to the satisfaction of the Administrator of Improvements; said filling is to serve the purpose of a roadway, and is to be maintained as such, and be kept in good order for a term of five (5) years by said railroad company.

Bulkhead.

Switch on side-
walk on Delta
street.
Ord. No. 7480,
C. S.
Aug. 6, 1889.

ART. 1940. (1) That said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns, be and they are hereby authorized and empowered to locate, establish and thereafter to maintain and use a railway track or switch, and to operate same by steam or otherwise for the transportation of all kinds of freight and for all railroad business on the sidewalk in front of the above-described property in the square bounded by Front, Delta, Girod and Poydras streets, the said switch leaving the present track on Delta street at a point about 220 feet from the lower side of Lafayette street and running parallel with the line of Delta

street at a distance of about eight feet between its centre line and the building line

ART. 1941. (2) The said company is also authorized to cross Lafayette street with a second track or switch which it proposes to construct on its own property; to connect this second track as well as the first one above described with existing tracks near the upper line of Girod street, crossing Girod street with both tracks for the purpose of so doing; all as shown on plan hereunto annexed and according to lines and levels to be given by the City Surveyor.

Cross Lafayette and Girod streets.
Ib.

ART. 1942. (3) That the said Morgan's Louisiana & Texas Railroad & Steamship Company be permitted to pave the sidewalks in front of its property on Delta, between Poydras and Lafayette streets, and on Front between Lafayette and Julia, with Belgian block laid on a uniform slope from the property line to the crown of the street, so as to permit of easy and commodious access of drays and other vehicles to its depots for the purpose of receiving and delivering freight.

Pave sidewalks with Belgian block.
Ib.

ART. 1943. (4) For and in consideration of the privileges herein granted Morgan's Louisiana & Texas Railroad & Steamship Company stipulates and agrees that within ninety days after the passage of this ordinance it will prepare and sign a petition for paving one block of Delta street between Lafayette and Poydras streets and the three blocks on Front street between Lafayette and Julia streets with a stone block pavement known as "Belgian block," and will use its best endeavor to obtain the necessary agreements from interested property holders; and that it will pay its full proportion of the same and assume the payment of the city's proportion, and assume as well the pavements of such intersections as are not now paved. The same quality of Belgian block to be used and the paving to be done as per specifications imposed for paving Clay street between Customhouse and St. Louis streets; all being laid as per lines and grades to be furnished by the City Surveyor.

To pave Delta street.
Ib.

ART. 1944. (5) In further consideration of the privileges herein granted, Morgan's Louisiana & Texas Rail-

To pave Lafayette street.
Ib.

road & Steamship Company stipulates and agrees to pave, at its own cost, the entire block on Lafayette street between Front and Delta streets, and the block on Front street, between Lafayette and Poydras streets, with Belgian block pavement, under the same conditions as to specifications, lines and levels as apply to the pavement hereinbefore mentioned, the whole paving to be completed within one year after the promulgation of this ordinance.

Switch track
opposite Bazaar
Market.
Ord. No. 6985,
C. S.
Dec. 6, 1892.

ART. 1945. That the right and privilege is hereby granted to Morgan's Louisiana & Texas Railroad & Steamship Company, its lessees, assigns and successors, to lay and thereafter to maintain and use a switch or side track branching out from its existing track on the levee, known and designated on the hereafter referred to map or blue print as track No. 2, opposite the Bazaar Market, and extending up past the meat market to a connection with track No. 3 on the lower side of St. Ann street. The length of the proposed switch or siding, from its connection with track No. 2 opposite the Bazaar Market to its connection with track known and designated on the annexed map or blue print as track No. 3 on the lower side of St. Ann street is about 368 feet; all of which will more fully appear from a map or blue print showing location of said switch or siding in dotted lines annexed hereto for reference. All of the work to be executed and done under the supervision of the City Engineer and in accordance with lines and levels to be furnished by him.

To pave St.
Ann street.

Provided, that the said Morgan's Louisiana & Texas Railroad & Steamship Company be compelled to pave St. Ann street with stone block pavement from its intersection with Decatur street to within three feet of track No. 3 on annexed blue print, on lines and levels to be furnished by the City Engineer, who is hereby directed to report to the Council his approval and acceptance of said work when completed. All paving to be of Rockport or Quincy granite.

ART. 1946. Whereas, the location of the track owned by the Morgan's Louisiana & Texas Railroad & Steam-

ship Company and Southern Pacific Railroad Company, on the levee at the Harrison Steamship Line is located so close to the batture as to bring an undue pressure on the batture and occasion danger of caving; and whereas, this track is so low as to grade and in such position that the supplemental levee required to provide against inundation can not be built.

To remove
tracks from bat-
ture.
Ord. No. 8348,
C. S.
Nov. 21, 1893.

ART. 1947. That the Morgan's Louisiana & Texas Railroad & Steamship Company be and they are hereby directed to remove this track from its present location to a location which will make the centre of the track not less than thirty-five feet from the edge of the wharf, and this alignment to extend from the end of this track, near the Cromwell Steamship Line, to below St. Ann street, where it will intersect and cross the Louisville & Nashville switch and main tracks, all as shown on the accompanying plan forming part of this ordinance.

ART. 1948. That the Morgan's Louisiana & Texas Railroad & Steamship Company will proceed to realign and raise this track without delay and according to directions, lines and levels to be given by the City Engineer, and the said Morgan's Louisiana & Texas Railroad & Steamship Company, its lessors, successors and assigns, be and they are hereby authorized and granted the privilege to locate the track as required above and when located to maintain and use the same for railroad purposes.

ART. 1949. That said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns, be and they are hereby authorized and empowered to locate, establish and thereafter maintain and use, two railway tracks or switches, and to operate the same by steam or otherwise for the transportation of all kinds of freight and for all railroad business on the city side of the triangular block of ground owned by the American Sugar Refining Company between Wells, Crossman and Delta streets; provided, the existing track in Wells street in front of the property of the American Sugar Refining Company be moved inward or toward the above mentioned property, so as to increase the width of the road-

Switch tracks
to American
Sugar Refining
Company.
Ord. No. 10,937,
C. S.
June 25, 1895.

way for vehicles in Wells street. The said company is also authorized to cross Wells street with a switch springing from one of the above proposed switches and running diagonally into block marked "Z," now the property of the American Sugar Refining Company. The said railroad company is also authorized to extend existing track on the river side of the triangular block above referred to from its present terminus to the upper curb line of Crossman street.

To connect
with main line
of Louisville &
Nashville Rail-
road Company.
Ib.

ART. 1950. That the said Morgan's Louisiana & Texas Railroad & Steamship Company be authorized to lay a connecting or cross-over switch connecting its main line on Delta street with the main line of the Louisville & Nashville Railroad Company on the same street, said cross-over to be located at or near the line of Bienville street.

Shift existing
tracks on Clay
street.
Ib.

ART. 1951. That the said Morgan's Louisiana & Texas Railroad & Steamship Company be permitted between St. Louis and Crossman streets to shift the existing track now occupying the centre of Clay street inward or toward the property line of its own property, as far as it may be practicable, without interfering with traffic on the existing track immediately adjacent to the buildings known as the Bienville Sugar Station. It being distinctly understood that in so shifting this track the said railroad company is to assume the expense of replacing the Belgian block paving in Clay street in equally as good condition as it now is. The said railroad company is also authorized to cross Customhouse street with a track to connect on the lower side of Customhouse street with a proposed switch to be laid by the American Sugar Refining Company under Ordinances 211 and 3117, C. S., the said track to form an extension of the track authorized under the above-numbered ordinances and to extend into the warehouse of the American Sugar Refining Company, as shown on the accompanying blue prints between the points M and N.

Connection on
Delta near
St. Louis
street.

ART. 1952. That the said Morgan's Louisiana & Texas Railroad & Steamship Company be permitted to construct a cross-over switch or connection at or near St.

Louis street, between its existing tracks on Delta street, and that it be permitted to construct a switch connection between its existing track in the centre of Clay street over and across St. Louis street, below the lower line of which it is to connect with and form a continuation of a proposed switch to be laid by the American Sugar Refining Company on the city side of the triangular block leased by it from the city between St. Louis, Clay and Delta streets, and as authorized in Ordinance 4526, C. S.

ART. 1953. That the lines and levels for all work to be done under this ordinance shall be furnished by the City Engineer, and all paving disarranged in the shifting of any of the tracks shall be relaid by the grantee at its own expense, to the entire satisfaction of the Commissioner of Public Works and City Engineer.

Lines and
level.
1b.

ART. 1954. Attached hereto and made a part of this ordinance is a blue print map, or plan, dated April 12, 1895, showing the proposed tracks in red and the tracks to be shifted in orange or yellow.

Blue print.
1b

ART. 1955. That permission is hereby granted to said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns, to locate, construct and build a viaduct for vehicles and foot passengers over its existing tracks and tracks to be constructed in future between the points named herein.

Permission to
construct via-
duct.
Ord. No. 10,718,
C. S.
May 11, 1895.

ART. 1956. The said viaduct shall have a total length of about eighteen hundred feet, more or less, from foot of slope to foot of slope. The upper end of the viaduct proper as distinguished from the inclined approaches to commerce about at a point opposite the middle of the block between Pacific and Atlantic avenues, extending to a point about one hundred and twenty-five feet below the lower line of Thayer street. The viaduct shall have a clear head room above the railroad tracks within these limits of not less than twenty-one feet. The inclined approaches of this viaduct are to start at the above named points to descend to the street level, and said descent shall be six feet in each one hundred feet. To enable foot passengers to reach this viaduct stairways shall be located on the upper side at the proper points

Construction.
1b.

near the lower line of Atlantic avenue, and on the lower side at the proper points, about one hundred and twenty-five feet below the upper line of Thayer street. The viaduct shall have a clear passageway for vehicles for its entire length, including inclines of twenty feet, and a single passageway for pedestrians on the wood side of the viaduct of a clear width of five feet, which passageway shall extend the full length of the viaduct between the heads of the inclined approaches, or between the points designated for the stairways leading to the street, which stairways shall also be constructed of iron, provided with proper rail, and have a width of five feet with treads not less than ten and one-half inches wide and six and one-half inches rise. The wood side of this viaduct shall be located a distance of thirty feet from the property line on the wood side of Patterson street, and the incline and viaduct to extend the width above mentioned on the river side of this line.

To be built
of iron.

ART. 1957. The above described viaduct (other details
1b. of which are to be agreed upon between the said railroad company and the City Engineer) shall be built of iron, and at the expense of the said Morgan's Louisiana & Texas Railroad & Steamship Company, and upon its completion all surface traffic and travel on said Patterson street, between Atlantic and Thayer streets, is prohibited, and all such traffic and travel is required to pass over said viaduct.

Additional
track across
Patterson
street.

ART 1958. On the completion of said viaduct, and its acceptance by the city, the said Morgan's Louisiana & Texas
1b. Railroad & Steamship Company, its successors and assigns, shall have the right to construct across Patterson street and thereafter to maintain and use such additional tracks under said viaduct, between the lower side of Atlantic avenue and the upper side of Thayer avenue, as their traffic may now or in the future require.

Paving.

ART. 1959. The said Morgan's Louisiana & Texas
1b. Railroad & Steamship Company shall be required to pave between the lower line of Elmira avenue and the upper line of Atlantic avenue, the half of Patterson

street or such portion thereof as is not occupied by the viaduct, with concrete gravel from its gravel hills in Rapides parish, free of cost to the abutting property holders and to the city of New Orleans; said gravel to be of as good quality as that used for paving in and around their passenger shed in Algiers. This pavement shall be laid in accordance with specifications to be prepared by the City Engineer, and the work is to be done immediately, and to be maintained by Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns. Any failure of said grantees to repair and maintain said street, after due notice by the city, shall give the city of New Orleans the right to have the repairs made at the expense of said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns. In consideration of the above-mentioned free paving to be done and maintained by the said Morgan's Louisiana & Texas Railroad & Steamship Company, the right is hereby granted to the said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns, to lay and thereafter to maintain and use a track on Verret avenue from Patterson street to Lapeyrouse Street Canal. The centre line of said track shall be located five feet below the centre line of said Verret avenue, so that the ends of the crossties will not extend above or beyond the centre line of said Verret avenue, with the privilege of connecting said track with existing tracks on the property of the said Morgan's Louisiana & Texas Railroad & Steamship Company, by such turnouts, crossovers and switches as may be necessary or desirable to make connections with the various shops, lumber and material yards now located on its property below Verret avenue, and also to have the right to construct and thereafter to maintain and use two spur tracks branching out from an existing track on its property on the river side of Patterson street; said spur track to cross Patterson street and lead into the private property of said Morgan's Louisiana & Texas Railroad & Steamship Company on Patterson street, between Elmira and Chestnut streets.

Street rail-
roads on via-
duct.

ART. 1960. That in case the present or any future Council or government of the city of New Orleans should grant to any street railroad company a right of way for street railroad tracks and cars on Patterson street, between the lower line of Atlantic avenue and upper side of Thayer avenue, then and in that case such street railroad company is required to lay its tracks over and upon said viaduct, and to operate its cars thereon so as to cross all existing or future steam railroad tracks between the points named herein above grade, thereby insuring safety to life and limb; and such street railroad company is required to pay to said Morgan's Louisiana & Texas Railroad & Steamship Company one-third of the total cost of said viaduct and approaches, as the share of the street railroad company toward the protection against accidents afforded thereby, and no street railroad track shall be laid between any of the points named herein until such payment has been made by the street railroad company.

Expense of
maintaining
viaduct.

ART. 1961. The said Morgan's Louisiana & Texas Railroad & Steamship Company, its successors and assigns, shall be required to maintain at any and all times the viaduct in a thoroughly safe condition for such traffic as will pass over it to the satisfaction of the Commissioner of Public Works, and any street railroad operated over and upon said viaduct in addition to the payment hereinbefore specified shall pay to said Morgan's Louisiana & Texas Railroad & Steamship Company one-half of all expenses necessary for the maintenance of the viaduct.

Completion.

ART. 1962. That the work of constructing this viaduct shall be commenced during the year eighteen hundred and ninety-five, and it shall be completed on or before December 31, eighteen hundred and ninety-six.

Blue print.

Attached hereto and made a part of this ordinance is a blue-print sketch or map dated March 26, 1895, upon which is shown more fully in detail:

1. The points between which the viaduct proper is to be constructed, being marked thereon B and C.

2. Location of ascending grades at each end thereof D to C and A to B.

3. Location of track on Verret avenue, running from point E to Patterson street.

4. Location of spur tracks into private property of company between Elmira and Chestnut street, being marked F and G.

ART. 1963. In order to insure the proper maintenance of this viaduct by said Morgan's Louisiana & Texas Railroad & Steamship Company, if at any time necessary repairs are required, and the said company fails to make them, the city, through the Commissioner of Public Works, shall give due notice in writing to said company, and if after thirty days have expired from receipt of such notice the necessary repairs have not been made by said company, such repairs shall be made by the Commissioner of Public Works and the cost of same shall be collected from said Morgan's Louisiana & Texas Railroad & Steamship Company, whose acceptance of this ordinance shall bind them to pay cost of such repairs upon demand.

Repairs. Ib.

ART. 1964. Any failure of the said Morgan's Louisiana & Texas Railroad & Steamship Company to carry out the provisions of this ordinance shall give the city the right to continue the paving as originally provided.

Failure to comply. Ib.

NEW ORLEANS PACIFIC RAILWAY.

ART. 1965. (1) That the New Orleans Pacific Railway Company be and it is hereby authorized and empowered to locate, construct and maintain a railroad, with all necessary tracks, switches, turnouts, sidings and structures of every kind, convenient and useful and appurtenant to said railroad, upon lines and levels to be furnished by the City Surveyor, to and from such point as shall be selected by said company as its terminus, between the New Canal, Claiborne Canal and Carrollton avenue, with the right to establish and maintain at such point necessary depots, shops, yards, warehouses and other structures convenient and useful for the transaction of its business, and to operate the same by steam or otherwise for the transportation of freight and passengers within the city limits.

Authorized to construct railroad.
A. S. 6722.
Nov., 1886.

To extend
railroad and
build depot.

ART. 1966. (2) That the said New Orleans Pacific Railway Company, or its assigns, be and they are hereby authorized and empowered to locate, construct and maintain an extension of its railroad, with all necessary tracks, switches, turnouts, sidings and structures of every kind, convenient and useful and appurtenant to said railroad, upon lines and levels to be furnished by the City Surveyor, into and through Claiborne street to Canal street, with the right to construct a passenger depot at or near the intersection of Claiborne street with Canal street; and to operate the same by steam or otherwise for the transportation of passengers; provided, that should it become necessary for the building of depot or laying of tracks to remove the Claiborne Market, then the said New Orleans Pacific Railway Company to obligate themselves to rebuild the same at their own expense, such lots to be purchased by the company as the city shall designate. The said market to be rebuilt under the supervision and instructions of the Administrator of Waterworks and Public Buildings.

Right of way
through the
streets.

ART. 1967. (3) That the said New Orleans Pacific Railway Company or its assigns be and they are hereby authorized and empowered to locate, construct and maintain an extension of its railroad, with all necessary tracks, switches, turnouts, sidings and structures of every kind convenient and useful and appurtenant to said railroad, upon lines and levels to be furnished by the City Surveyor, across Claiborne Canal, into and through such streets as may hereafter be lawfully selected, to the river front, with the right to extend its tracks through Front street, Water street and Pilié street, and along the river, between Julia and Jackson streets, connecting with the depots of the Louisville & Nashville Railroad Company, Morgan's Louisiana & Texas Railroad and the Chicago, St. Louis & New Orleans Railroad, and to operate the same by steam or otherwise for the transportation of cotton, tobacco, grain, merchandise and other freight; or the said company may purchase, lease, control, maintain and operate, by steam or otherwise, any railway or railway tracks now existing in the city of New Orleans.

ART. 1968. (2) That the right of way, franchises and privileges herein granted to the New Orleans Pacific Railway Company are granted only on condition and in consideration that the said grantees shall permanently establish the terminus of said road within the city limits and maintain said terminus during the existence of the charter of said company, for which period said right of way and privileges shall last; and should the said company at any time hereafter abandon its said road on the east side of the Mississippi river and its terminus within the city limits, then this grant shall cease and terminate and be without force or effect from the date of such abandonment; and the further condition that all construction work within the city limits shall be executed under the direction and supervision of the City Surveyor and completed to the satisfaction of the Administrator of Improvements and the Administrator of Commerce, and upon the further condition that the said company, at the time of laying their tracks upon Thalia street, shall pave said street from Pilié street to Rampart street, including all intersections of said Thalia street, with blocks of the best hard Boston granite, oblong in shape, not less than eleven inches and not more than fourteen inches in width, and not less than sixteen inches nor more than twenty-four inches in length, and from nine to ten inches in thickness; they shall be well quarried, having parallel sides and ends, and the upper side free from lumps. The blocks adjoining the gutter-stones shall be cut at an angle of forty-five degrees with the sides, so as to be laid diagonally, and said pavement shall extend from curb to curb; and the said company shall, at the time of laying their track, pave with round or cobble-stone pavement, laying with gutter-stones the gutters of said street, from the end of the block paving at Rampart street to Claiborne street, with the privilege of using for the pavement the cobble-stones removed from that part of the street to be paved with square block—the rails to be laid in the pavement so that the top of the rails shall be flush with the surface of the pavement;

Conditions of
grant.
A. S. 6732.
Dec., 1880.

and upon the further condition that said railway company shall at all times keep said pavement from curb to curb in repair; and it is still further made a condition of this grant that said railway company shall complete its road from the crossing of the Mississippi river at or near Baton Rouge to its terminus in this city within two years from the promulgation of this ordinance.

Rights for passenger and freight purposes.
A. S. 6695.
Nov., 1880.

ART. 1969. (5) That the rights herein granted on Claiborne street shall apply only to a railroad for passenger purposes; that the rights granted from north of the Claiborne Canal to the river front and hereby granted along the river front and in parallel streets shall apply to a railroad for freight purposes only, and shall not be used as a thoroughfare for the transportation of passengers without the consent of this Council.

Right of way through Thalia street.
A. S. 6732.
Dec., 1880.

ART. 1970. (1) The New Orleans Pacific Railroad Company, or its assigns, be and they are hereby authorized and empowered to locate, and construct and maintain an extension of its railroad, with all necessary tracks, switches, turnouts, sidings, and structures of every kind, convenient and useful and appurtenant to said railroad, upon lines and levels to be furnished by the City Surveyor across Claiborne Canal, into and through Thalia street to the river front, and to operate the same by steam or otherwise for the transportation of cotton, tobacco, grain, merchandise and other freight; or the said company may purchase, lease, control, maintain and operate, by steam or otherwise, any railway or railway tracks now existing in the streets of the city of New Orleans; provided, that there shall be but one track laid on Thalia street from Claiborne to Water street.

Penalty.

ART. 1971. (3) That upon the failure of said company to comply within three days with any notice of the Department of Improvements to repair any portion of the street or streets through which said company shall lay its tracks, they shall be fined twenty-five dollars for each and every day they fail to comply with said notice, said fine to be recoverable before any court of competent jurisdiction.

ART. 1972. (1) That the New Orleans Pacific Railway Company, or its assigns, be and are hereby authorized and empowered to locate and maintain a railroad, with all necessary tracks, switches, turnouts, sidings and structures of every kind convenient, useful and appurtenant to said railroad, from such point on the river front as its crossings from Westwego shall be located at, in the vicinity of the Upper City Park, and from thence by the best and most practicable route to its designated terminus east of Carrollton avenue.

To locate
railroad on river
front of Upper
City Park.
Ord. No. 6938,
C. S.
March, 1881.

ART. 1973. (2) That the city of New Orleans hereby agrees to lease unto the New Orleans Pacific Railway Company, its successors and assigns, for the period of ninety-nine years, and at the price of five hundred dollars per annum, payable in advance, all that strip or parcel of ground on the river front of said Upper City Park, south of Tchoupitoulas street, or south of an extension of Tchoupitoulas street in a westerly direction, and between a prolongation of the east and west boundary lines of said park to the river, with all the batture formed thereon or which may form during the term of said lease, with the right to establish and maintain upon said grounds such ferry facilities, wharves, piers, warehouses, yards, tracks, depots, stations, sheds, elevators and other structures as shall be necessary and convenient for the transfer of cars, engines, passengers and freight, and in the transaction of its business. No vessel shall occupy or lie at such wharves without the consent of said company, its successors or assigns, and all vessels lying at and using said wharves with such consent shall be exempt from the payment of levee or wharf dues to the city of New Orleans; the proceeds of such lease shall be applied by the city to the improvement of said park.

Lease of
ground in front
of Upper City
Park.

ART. 1974. (3) That the said New Orleans Pacific Railway Company, its successors and assigns, shall have the right to extend its tracks from the said ground so leased between the Upper City Park and the river front eastwardly along said river front to connect with the Belt Road at Louisiana avenue, and to connect at Jack-

To connect
with Belt Rail-
road.

Time for running trains.

son street with tracks heretofore authorized to be constructed between Jackson and Julia streets by section 3 of Ordinance 6695, Administration Series, adopted November 9, 1880, and by Ordinance No. 6732, same series, adopted December 3, 1880; provided, that between Louisiana avenue and Jackson street the trains of said company shall be run only between sunset and sunrise on said track, except in case of emergency and necessity beyond the reasonable control of the company.

Levee batture and wharf privileges.

ART. 1975. (4) That the said New Orleans Pacific Railway Company, its successors and assigns, shall have the right, and the same is hereby conferred for the term of its charter, and from and after the expiration of the existing lease of city wharves to enclose and occupy for its purposes and uses that portion of the levee, batture and wharf in the city of New Orleans in front of its riparian property, acquired or to be acquired, between Thalia and Terpsichore streets, and to erect and maintain thereon, at its own expense, such ferry facilities, wharves, piers, warehouses, elevators, yards, tracks, depots, stations, sheds and other structures as shall be necessary and convenient for the transfer of cars, engines, passengers and freight, and in the transaction of the business. No vessel shall occupy or lie at such wharves without the consent of the said company, or its successors or assigns, or discharge or receive cargo thereat, and all vessels lying at or using said wharves by such consent and on the business of the company shall be exempt from the payment of levee or wharf dues to the city of New Orleans.

Vessels not to lie at such wharves.

Wharves to be lighted and policed.

Said wharves and other structures shall be lighted and policed by said company at its own expense.

Vessels liable to wharf dues.

Any vessel lying at these wharves with the consent of the company, but not on its business, or not for the purpose of discharging or receiving freight or passengers to or from said company as a carrier, shall be liable to the city for usual wharf or levee dues.

Any vessel using said wharf to receive any freight

not coming to or going from said company as a carrier shall pay usual wharfage dues to the city.

In consideration of the permission herein given, the company will build three hundred feet of new wharf at such point between Terpsichore and Jackson streets, for the city, as the Administrator of Commerce may indicate, and will pave Pilié street, between Thalia and Terpsichore streets, and Terpsichore street, between Pilié and Front streets, with square blocks of granite or with blocks of compressed asphalt, and keep the same in good order.

The rights conferred by this section shall not be held to interfere with the rights of the city to police any part of the river front.

ART. 1976. (6) That the right of way, franchises and privileges herein and heretofore granted to the New Orleans Pacific Railway Company are and were granted on condition and in consideration that the said grantees shall permanently establish its terminus within the city limits, and shall maintain said terminus during the existence of the charter of said company, for which period the said franchise, rights of way, grants and privileges shall last and continue; and should the said railway company, at any time hereafter, remove its terminus from within the city limits, then the grant shall cease and determine and be without force and effect from the date of such removal; and the further condition that the construction work within the city limits shall be executed under the direction and supervision of the City Surveyor and completed to the satisfaction of the Administrator of Improvements and the Administrator of Commerce; and the further condition that said railway company shall construct or control a line of road, ready for public use, from a crossing of the Mississippi river to its designated terminus in this city, within two years from the promulgation of this ordinance.

Section 2 of Ordinance 6938, C. S., repealed by Ordinance 685, C. S.

Passenger
depots.
A. S.
July 11, 1882. ART. 1977. By section 2 of Ordinance 6695, Administration Series, a right was given to the New Orleans Pacific Railway Company, or its assigns, to locate, construct and maintain an extension of its railroad through Claiborne street, with the right to construct a passenger depot on the neutral ground of Claiborne street at or near the intersection of Claiborne with Canal street, with a proviso that should it become necessary for the building of the depot or laying tracks to remove the Claiborne Market, then the New Orleans Pacific Railway Company, or its assigns, should rebuild the same, at their own expense, on such lots as the city shall designate; and whereas, by Ordinances Nos. 6732 and 6938, Administration Series, certain rights have also been granted to the said company and its assigns with reference to the said Claiborne street and to Thalia street, and the company has built its road from Baton Rouge to New Orleans, crossing at the head of Thalia street, and established its terminus in the city limits at Thalia street and the levee, and is preparing also to cross from Westwego to the City Park and thence to Claiborne street.

Location.

New site for
market.

ART. 1978. (1) That the Administrator of Improvements, Administrator of Commerce and the Administrator of Waterworks and Public Buildings be and they are hereby authorized and directed, within sixty days from the passage of this ordinance, to select such lots as may be needful and proper for a new site for said market; and when such selection shall have been made they shall deposit a *proces verbal* thereof in the office of the Administrator of Waterworks and Public Buildings.

Rebuilding.

ART. 1979. (2) That whenever said company or its assigns shall find it necessary to remove said building it shall be rebuilt on said lots so selected, and as prescribed in said original ordinance.

New Canal
drawbridge.

ART. 1980. (3) That in crossing the New Canal, under its charter and according to the said ordinances, the said railway company or its assigns shall do so by means of proper drawbridge.

Ordinance 1828, C. S., June, 1886, repeals certain sections of 6695, 6732, 6938 and 7946. A. S., relative to tracks and passenger depot on Claiborne street.

ART. 1981. Ordinance No. 6938, A. S., grants certain rights and privileges to the New Orleans Pacific Railway Company, and that in consideration of which the said company is to build three hundred (300) feet of new wharf at such point between Terpsichore and Jackson streets, and the said New Orleans Pacific Railway Company having been repeatedly notified to comply with the building of the same, and having so far failed to comply,

Consideration.
Ord. No. 7953,
A. S.
July 18, 1882.

ART. 1982. (1) That the said New Orleans Pacific Railway Company be directed to build immediately the three hundred (300) feet of wharf indicated by plans and specifications on file in the office of the City Surveyor and approved by the Administrator of Improvements, a copy of which has been furnished to said railway company.

ART. 1983. That the Mayor be and is hereby instructed to direct the contractor to proceed with his said contract and complete the square block paving of Pilié, in accordance with the original contract entered into by the city of New Orleans and said contractor under said Ordinance No. 1355, C. S., and that the certificate of said work when complete shall be given to the City Attorney, who shall proceed with the suit against the said Texas & Pacific Railway Company for the collection of said bill.

Paving of Pilié street.
Ord. No. 8563,
C. S.
Jan. 9, 1894.

ART. 1984. The city, in the meantime, pledging itself for the amount of the bill to the contractor.

NEW ORLEANS & NORTHEASTERN RAILROAD.

ART. 1985. (1) That the New Orleans & Northeastern Railroad Company and its assigns be and the same are hereby authorized and empowered to locate, construct, maintain and operate certain railroads by steam power in the city of New Orleans, with all the necessary tracks, switches, turnouts, bridges, sidings and structures of every kind, convenient, useful and appurtenant to said railroads, on the following lines, lands, avenues, streets, etc., viz.:

Right of way.
Ord. No. 7483,
A. S.
Dec., 1887.

Route.

ART. 1986. (a) From Pointe-aux-Herbes, on Lake Pontchartrain, commencing at the end of the bridge or trestle of said company, across said lake, to the Bayou St. John, through the village of Milneburg, along or upon, or adjacent to, the shore of Lake Pontchartrain as most convenient to the said railroad, and the same from Pointe-aux-Herbes to the intersection of the embankment on the canal of People's avenue and Lake Pontchartrain, may be constructed on an earth embankment, trestles or piles, as may be convenient; but from said People's avenue to Bayou St. John it shall be constructed on an earth embankment elevated above high-water mark, according to lines and levels to be furnished by the City Surveyor, the said embankment to be completed within twenty-four months from the passage of this ordinance, and to be so kept at said height and in good order and repair by said company.

Elevation of embankment.

(b) From the intersection of the embankment of the canal of the People's avenue and Lake Pontchartrain to the intersection of said People's Avenue Canal embankment with Florida Walk, which said embankment shall be elevated above high-water mark, according to lines and levels to be furnished by the City Surveyor, and to be so kept in good repair by said company at its expense, with the right to deepen said People's Avenue Canal to obtain earth for the said elevation and repairs, and that the said company shall continue said embankment along Florida Walk from the intersection of People's avenue to the Fisherman's Canal, lower limits of the city of New Orleans, in accordance with lines and levels to be furnished by the City Surveyor.

Right to connect and extend.

(c) From the intersection of People's avenue and canal embankment with Florida Walk to and from such point as may be selected for the river terminus of the said New Orleans & Northeastern Railroad, on the Mississippi river, along or on any two streets between Port and Clouet streets, inclusive, and the said company shall have the right, and is hereby authorized, to occupy with its railroads, and to pass on and over Florida Walk and any other avenue or street, so as to connect the

same from the intersection of said Florida Walk and People's avenue with such streets as may be selected to pass from said People's avenue to the Mississippi river, with the right to extend its tracks on the said river front from the lower limit of the city to the upper side of Port street to connect with the Belt Railroad; provided, the said company shall keep all streets and avenues it may occupy with its railroads in the like good order as when entered upon, and make and keep in repair all necessary culverts for the passage of all rain and surface water.

(d) From the intersection of People's avenue with Florida Walk to the Pontchartrain Railroad, and on the embankment of Marigny Canal and along the same to Bayou St. John; provided, that said company shall have and is hereby granted the right to deepen People's Avenue Canal and Marigny Canal for the purpose of obtaining dirt to raise the embankment thereon, to elevate and maintain the same above high-water mark and overflow.

To deepen
People's Ave-
nue and Marig-
ny canals.

(e) From the intersection of Canal, Carondelet and Claiborne streets to Clara and such other streets on which the New Orleans Gaslight Company has its coal and coke sheds; provided, no train shall pass over said road except between the hours of 11 o'clock P. M. and 4 o'clock A. M., said track to be laid according to lines and levels furnished by City Surveyor.

Running time.

(f) From Elysian Fields street on and along St. Claude street, formerly Goodchildren street, and the continuation thereof to the lower limit of the city of New Orleans.

Route.

(g) From such point on the embankment of the canal on People's avenue as may be found most convenient, in a direct line to the intersection of St. Bernard avenue and Claiborne street, and along said Claiborne street to Canal street; provided, this does not interfere with grants made heretofore by the State of Louisiana or the city of New Orleans to other railroad companies.

Route.

ART. 1987. (2) That the said New Orleans & North-eastern Railroad Company and its assigns shall have the

Levee, batture,
and wharf
privileges.

Time of com-
mencing and
completing
work.

Exclusive
right to
wharves.

Wharves.

right, and the same is hereby conferred, to occupy for its purposes and uses that portion of the levee, batture and wharf in the city of New Orleans beginning at Port street and a distance of one thousand feet down the river to Montegut street, and to erect and maintain thereon, at its own expense, such ferry facilities, wharves, piles, machinery, elevators, yards, tracks, depot stations, sheds and other structures as shall be necessary and convenient for the transaction of its business; provided, said company shall keep said wharves in repair and construct the same to the satisfaction of the City Surveyor; provided further, that the said company shall replace the wharves constructed by the city and occupied by said company at such point as may be designated by the Administrator of Commerce and Improvements and City Surveyor, and shall pave Levee street with square granite blocks from the extremity of the paving on that street, or from Louisa street to Poland street, and the city of New Orleans shall be entitled to remove all the cobble-stones now on said street. And the said company shall commence the construction of the embankment on Florida Walk from People's avenue to the Fisherman's Canal (lower city limits) within one year from the completion of the railroad to the river bank and finish the same within two years from the said commencement, and that the square block pavement on Levee street shall be commenced immediately after the said company obtains possession of the one thousand feet of river bank and levee conceded and allowed to them by this ordinance, and continue and finish the same within one year. No vessel shall occupy or lay at such wharves, discharge or receive cargo thereat, without the consent of said company, or its successors or assigns, and all vessels lying at or using said wharves by consent of said company, and on the business of said company, shall be exempt from the payment of levee or wharf dues to the city of New Orleans. Said wharves and other structures shall be lighted and policed by the said company at its own expense.

Any vessel lying at said wharves with the consent of

said company, but not on its business—not for the purpose of receiving or discharging freight or passengers to or from said company as a carrier—shall pay usual wharfage dues to the city; provided, that no privilege or grant concerning or referring to the wharves and levees herein granted shall go into effect until the consent and permission of the wharf lessees be had and obtained during the continuance of their lease.

ART. 1988. (3) That the said company shall have the right to lay double tracks from Pointe-aux-Herbes to Bayou St John, on People's avenue; on Florida Walk, Marigny avenue Canal embankment and St. Claude street.

Right to lay double track.

ART. 1989. (4) That all the rights and privileges granted by this ordinance are upon the express condition that in the transportation of freight over the New Orleans & Northeastern Railroad there shall be no unjust discrimination in the rate of charges to New Orleans; but it is not intended by this section to deprive said company of the right to charge the same rate per ton per mile on freight that may be charged on any other railroad running into the city of New Orleans; and also on the express condition that all the obligations imposed by this ordinance on the said company shall be complied with in good faith, and the failure or neglect to do so shall render all the grants, rights and privileges conferred on said company null and void.

No unjust discrimination.

ART. 1990. (1) That the said New Orleans & Northeastern Railroad Company shall have the right to construct and maintain a single or double track on their property from the river side of Royal street to the river bank, and on the levee or river front heretofore ceded to said company, and shall have the right to pass over and construct the same over Chartres street and North Peters or Levee street, at an elevation of not less than fourteen feet in the clear from the centre of said streets, the said elevated track or tracks to commence at Royal street, with a gradual rise of thirteen (13) feet over the centre of Chartres street, and to erect and maintain on the river bank and front all necessary coal bins, chutes,

Single or double track.
Ord. No. 1418,
C. S.
Sept. 15, 1885.

Location.

Privileges.

elevators and reservoirs for the reception of coal and all necessary slides and chutes for handling coal and other freights.

Repairs re-
quired.

ART. 1991. (2) That this ordinance is granted to the said railroad company, provided the streets and approaches to its depots are placed in good repair and condition at once, otherwise this ordinance will be null and void; and provided, that before the promulgation of this ordinance the said New Orleans & Northeastern Railroad Company shall deposit with the Mayor of the city of New Orleans a good and solvent bond, secured by real estate, in the sum of fifty thousand* (\$50,000) dollars, conditioned upon the faithful performance of all the obligations imposed on said company by Ordinance 7483, A. S., within one year after the promulgation of this ordinance; but nothing herein contained shall be construed as in any manner repealing any of the penalties additionally imposed in the said Ordinance No 7483, A. S., for failure to comply with its provisions.

Bond.

Penalties in-
tact.

Permission to
continue tracks
at Port street.
Ord. No. 2656,
C. S.
Nov. 29, 1887.

ART. 1992. That permission be and is hereby granted to the New Orleans & Northeastern Railroad Company to continue its track on the levee now connecting with the Belt Railroad (Morgan Railroad) at Port street, so as to intersect and connect with the tracks of the Morgan Railroad at the upper line of Mandeville street.

Repairs and
paving re-
quired.

Ib.

ART. 1993. (2) That the said railroad company shall repair the floodgate in People's Avenue Canal, on the north side of Gentilly Ridge, to the extent of five hundred dollars, under the direction of the Commissioner of Public Works and City Surveyor; and pave with granite blocks that portion of the levee at the head of Mandeville street from the end of the block stone pavement out to the Morgan Railroad track, between the prolongation of the lines of said street.

Extension.
Ib.

ART. 1994. (3) That the City Surveyor shall furnish the lines and levels for the extension of said track so that the same shall not interfere with the free use of the wharves to the public; provided, that the provisions, restrictions and reservations of the third section of Ordinance No.

2245, C. S., shall apply to and control the grants contained in this ordinance.

Provided, further, that said railroad company shall relay without delay the granite blocks between its tracks in the curves on North Peters street in front of its depot, and that it will plank the space between its tracks and their sides on the levee so as not to interfere with the use of the levee by drays, floats, etc.

Paving and
planking to be
done.
Ib.

ART. 1995. (4) That nothing contained in this grant and privilege to said company is intended to be construed as binding the city of New Orleans, or making her responsible to any person for any loss, damage or injury which might arise, should the said company or assigns be in any manner interfered with or deprived of any of those rights or privileges from any cause whatsoever, and in case there is any conflict or any injury to any rights or privileges heretofore granted by the city to any person or corporation, the said company binds itself to hold the city harmless, and undertakes the obligation to arrange and settle all such conflicts and injuries.

Exempting
city from dam-
ages.
Ib.

ART. 1996. That permission be and is hereby granted to allow the extension of the tracks of the New Orleans & Northeastern Railroad along said wharf, rails of which must be countersunk in order to facilitate the delivery of lumber from cars to vessels; provided, that the cost for strengthening the wharf for the purpose of such traffic be done without expense to the city; and provided, further, that lumber or timber placed on said wharf for shipment, and rejected shall be removed from the said wharf within ten days from the date of such rejection. Any failure to so remove, or any use of said wharf for the purposes herein specified, except within the months designated, shall subject the offender to a penalty of not less than \$5 or more than \$25 fine, or in default of payment to imprisonment for not exceeding thirty days, and each day that this ordinance may be so contravened shall constitute a separate offence.

Extension of
tracks.
Ord. No. 4435,
C. S.
April 15, 1890.

ART. 1997. (3) That said wharf shall be open to the use of any railroad terminating in the city of New Or-

Use.
Ib.

leans at an agreed rate of trackage between the railroads connecting therewith.

Lines and levels. ART. 1998. (4) That the extension of railroad tracks
ib. along said wharf be made in accordance with lines and levels furnished by the City Surveyor.

Revocation. ART. 1999. (5) That this ordinance shall be revocable at the pleasure of the Council.
Ib.

Extension of tracks. ART. 2000. That permission be and is hereby granted
Ord. No. 5834, the New Orleans & Northeastern Railroad Company to
C. S. extend their tracks from the lumber wharf immediately
Dec. 8, 1891. above Clouet street, as provided for in ordinance No. 4435, C. S., along and upon such wharf or structure as may be constructed by said New Orleans & Northeastern Railroad Company under this ordinance for the handling of coal; provided, that the extension of the railroad tracks along or upon said wharf or structure shall be made in accordance with lines and levels furnished by the City Engineer.

ART. 2001. That the said New Orleans & Northeastern Railroad Company and its assigns shall have the right, and the same is hereby conferred upon it, to construct
Right to construct wharves, etc. and maintain on said river front, in the space indicated above, such wharves, piles and machinery and other structures as shall be necessary for the convenient handling of coals; provided, that this privilege shall only continue so long as said company shall keep said wharf in repair, and construct same to the satisfaction of the City Engineer and Commissioner of Public Works; and provided further, that the said wharf shall be open to the use of any railroad terminating in the city of New Orleans at an agreed rate of trackage between the railroads connecting therewith.
Ib.

Levee on Florida Walk. ART. 2002. That the city of New Orleans, individually or in conjunction with the Board of Commissioners
Ord. No. 6496, of the Orleans Levee District, do advertise for bids in the manner and form pointed out by law, in accordance with the plans and specifications set forth in the suit of The City of New Orleans and the Orleans Levee Board versus The New Orleans & Northeastern Railroad Company, No. 10,895 of the Supreme Court of this State,
C. S.
May 31, 1892.

or as provided for in the aforesaid Ordinance No. 7483, A. S., for the building of the embankment or levee on Florida Walk, from the intersection of People's avenue to the Fisherman's Canal, and that the city of New Orleans, individually, or in conjunction with the Board of Commissioners of the Orleans Levee District, do cause same to be built, and to that end make all necessary contracts, and upon failure of said New Orleans & Northeastern Railroad Company to proceed forthwith with the erection of said levee, as stated in said ordinance and in the above entitled suit, cause same to be built, and the necessary legal proceedings to be instituted for the recovery of the price of said levee and all damage that may be suffered.

ART. 2003. Whereas, under the obligations of its contract under Ordinance No. 7483, the New Orleans & Northeastern Railroad Company has, in compliance with all the requirements of said ordinance, paved with square blocks of granite North Peters street, in this city, from Louisa to Poland streets; and,

North Peters
street paving.
Ord. No. 8398,
C. S.
Dec. 6, 1893.

ART. 2004. Whereas, the contractors employed by them to do said work, Messrs. Venable Brothers, of Atlanta, Ga., have undertaken to keep said pavements in good repair for one year from February 10, 1893, to February 10, 1894, said New Orleans & Northeastern Railroad Company having for the purpose of enforcing said obligation to keep in repair retained a certain percentage of the contract price due Messrs. Venable Brothers; and,

ART. 2005. Whereas, said Venable Brothers, in order to withdraw said last instalment, have tendered to the city of New Orleans their bonds for one thousand dollars, with A. J. Miller, of New Orleans, as surety, conditioned that the said firm shall keep in good order and repair the said pavement in order that the city of New Orleans may assume the position of the New Orleans & Northeastern Railway Company, in relation to the obligations of said contractors for the maintenance of said street; be it resolved,

ART. 2006. That said bond of said Venable Brothers

Bond.

1b.

ers with said A. J. Miller, as surety, be and the same is hereby accepted, and the New Orleans & Northeastern Railroad Company is hereby released from any and all of its obligations to maintain North Peters street from Louisa to Poland streets in good order and repair.

Embankment
or levee on
Florida Walk.
Ord. No. 6406,
C. S.
May 31, 1892.

ART. 2007. That the city of New Orleans, individually or in conjunction with the Board of Commissioners of the New Orleans Levee District, do advertise for bids in the manner and form pointed out by law, in accordance with the plans and specifications set forth in the suit of The City of New Orleans and the Orleans Levee Board vs. The New Orleans & Northeastern Railroad Company, No. 10,895 of the Supreme Court of this State, or as provided for in the aforesaid Ordinance No. 7483, A. S., for the building of the embankment or levee on Florida Walk, from the intersection of People's avenue to the Fisherman's Canal, and that the city of New Orleans, individually, or in conjunction with the Board of Commissioners of the Orleans Levee District, do cause same to be built, and to that end make all necessary contracts, and upon failure of said New Orleans & Northeastern Railroad Company to proceed forthwith with the erection of said levee, as stated in said ordinance and in the above entitled suit, cause same to be built, and the necessary legal proceedings to be instituted for the recovery of the price of said levee and all damage that may be suffered.

RIGHTS AND PRIVILEGES ON LEVEE.—See *Wharves*.

MISSISSIPPI VALLEY RAILROAD.

Right of way.
Ord. No. 534,
C. S.
Feb. 12, 1884.

Motive power.

ART. 2008. (1) That permission be hereby granted to the New Orleans & Mississippi Valley Railroad Company, its successors, assigns or lessees, to construct, maintain and operate with steam or other motive power, a line of railroad within the corporate limits of the city of New Orleans from a point on Upperline street, between Eleventh and Belfast, thence through and across the grounds which are or may be hereafter acquired by the company, thence to the intersection of

Melpomene and Martha streets, and through and across such streets as may be most convenient to cross the New Canal and make a curve into Poydras street at some point near the intersection of White, Poydras and Julia streets, thence to extend such tracks as may be necessary along, and thence North Poydras street as far as Galvez street, and on seventy-five (75) feet in width of Poydras street, centrally located, from White to Liberty street including, over the Poydras Street Canal to Galvez street, the central ground from Galvez to Bertrand street, and the central ground from Bertrand to Liberty street, which latter is private property, and is to be acquired by the New Orleans & Mississippi Valley Railroad Company, either by purchase or expropriation.

ART. 2009. (2) That the said New Orleans & Mississippi Valley Railroad Company are hereby granted the right and privilege of constructing all necessary switches and sidetracks from the aforesaid tracks in Poydras street, with the easiest curvature possible to be obtained on North or South Poydras street, into the following squares of ground, to-wit: Square No. 400, bounded by North Poydras, Locust, Perdido and Magnolia streets; square No. 373, bounded by North Poydras, Freret, Perdido and Locust streets; square No. 365, bounded by North Poydras, Howard, Perdido and Freret streets; square No. 375, bounded by South Poydras, Freret, Lafayette and Locust streets; square No. 363, bounded by South Poydras, Howard, Lafayette and Freret streets; squares Nos. 399, 374, 364 and 342, lying between North and South Poydras and the streets between Magnolia and Liberty, inclusive; square No. 366, bounded by Gravier, Perdido, Howard and Freret streets, and to connect the said squares together with tracks and turnouts, and to construct all necessary sidetracks, switches and turnouts necessary to utilize the above-named squares in the most advantageous manner for railroad purposes, and to connect with any other railroad line, where it can be done, within a distance of seven hundred (700) feet, and to use the same for railroad depots, shops and yards, and for the transaction of other rail-

Boundaries.

Private property to be acquired.

Switches and sidetracks.

Squares acquired and tracks on.

Tracks and turnouts.

Squares to be utilized for railroad purposes.

Connection with other railroads.

Within what distance.

Depots, etc. Property; how acquired.

road business; provided, that the said company shall acquire said squares either by purchase or expropriation.

Construction
of tracks,
switches, etc.

Not to im-
pede drainage,
etc.

Lines and
grades.

Cars not to
stand on tracks.

Streets and
crossings.

Conform to
lines and
grades of city

ART. 2010. (3) That the said tracks, curves, switches and turnouts shall be constructed and maintained in such a manner as at no time after completion to be an obstruction to navigation or the drainage of the streets or passage of vehicles, and shall be constructed according to lines and grades to be established by the City Surveyor and approved by the Commissioner of Public Works and City Council; and that the said company shall not at any time suffer or permit its engines, trains or cars, or trains of cars, to remain standing upon any street or crossing upon its said lines of road, or to obstruct crossings in any manner whatsoever, except so far as may be done by said trains in motion; and that the company shall at all times conform to the lines and grades which may be established by the City Surveyor and approved by the Commissioner of Public Works and City Council.

Depots and
workshops.

Parish of Or-
leans.

Construction
of buildings
and out-
houses.

Proviso.

Culverts and
drains.

Specifications.

ART. 2011. (4) That the said Mississippi Valley Railroad Company be and they are hereby required to establish and maintain such depots and workshops as may be required or established in the parish of Orleans, left bank, in the immediate neighborhood of the terminus of their said road in New Orleans, on the boundary of said road, between White and Liberty streets, in the city of New Orleans, and to that end the said Mississippi Valley Railroad Company be and they are hereby permitted to construct such buildings and outhouses for workshops as may be necessary for their uses, without applying for any further grant therefor than is specified herein; provided, same are constructed and built of non-combustible materials, and under the direction of the Commissioner of Public Works and City Surveyor and approval of the City Council.

ART. 2012. (5) That all culverts or drains shall be constructed of brick, stone, wood or iron, as the locality might demand, according to plans and specifications draughted by the City Surveyor and approved by the Commissioner of Public Works and City Council.

ART. 2013. (6) That the company is hereby required to pave, at the intersections of the streets from Claiborne to Howard streets, inclusive, in and between their tracks, with first-class 4-inch planking, and between switches where stone can not be used, and the planking shall be made simultaneously with the laying of the tracks; and shall flag or signal, at all street intersections between Galvez and Liberty streets, by means of active men (boys not allowed) the approach of every train, said signal to be made at least one block ahead of the train, and at night the train shall have suitable red lights. .

Paving required.

Flag or signal at intersections.

Boys not allowed.

One block ahead of train.

Red lights at night.

ART. 2014. (7) That all culverts, bridges and pavings herein required to be constructed and laid shall always be kept in good repair by the company.

Culverts, bridges and paving.

lb.

ART. 2015. (8) That all rights and privileges granted by this ordinance are upon the express condition that in the transportation of freight over the New Orleans & Mississippi Valley Railroad there shall be no discrimination in the rate of charges to or from New Orleans; but it is not intended by this section to deprive the said company of the right to charge the same rate per ton per mile on freight that may be charged on any other railroad running into the city of New Orleans; and also on the express condition that all the obligations imposed by this ordinance on the said company shall be complied with in good faith, and the failure or neglect to do so shall render all the grants, rights and privileges conferred on said company null and void.

Upon what conditions privilege is granted.

No discrimination in rate.

Proviso.

Obligations.

When null and void.

ART. 2016. (9) That if anything in the above provisions should result in injury to private property, or be in conflict with any rights or privileges heretofore granted by the city to any person or company, the said company, by its acceptance of this ordinance, binds itself to equably settle all such injuries, and to hold the city harmless from all damages or reclamations whatsoever arising from such conflict.

Injury to private property.

Conflict with other corporate rights.

Company to hold city harmless.

ART. 2017. (10) That the said company shall not run its trains at a greater speed than six (6) miles per hour between their depot on Poydras street and the intersec-

Speed per hour.

Police regu-
lations, tions of Poydras and the New Canal at the point where the road crosses the said canal, and be subject to all the lawful police regulations and ordinances of the Council of New Orleans that have been heretofore or that may be hereafter enacted with reference to railroads in the city of New Orleans.

Duration of
privilege. ART. 2018. (11) That the rights and privileges herein granted shall continue during a period of fifty (50) years.

New Canal
bridge. ART. 2019. (12) That the bridge spanning the New Canal for the use of the railroad company, shall be, at all times, under the charge of one or more bridge-

Bridgekeepers'
duties, keepers, whose duty it shall be to open said bridge for the convenience of the free navigation of the canal; and at no time, by day or by night, that the bridge be kept

When to be
opened, for a longer time than is necessary to permit the passage of water-crafts; said bridgekeepers to be appointed and paid by the railroad company, and the whole to be governed by the ordinances and police regulations of the city of New Orleans.

Consideration,
Ib. ART. 2020. (13) That for and in consideration of the privileges herein granted by the city of New Orleans to the New Orleans & Mississippi Valley Railroad Com-

Amended by
Ord. No. 1337,
C. S. pany, the said New Orleans & Mississippi Valley Railroad Company agrees to spend \$25,000 in the best

Paving, \$25,
000. quality of square block Quincy granite, paving Poydras between Howard and Magnolia streets, and other contiguous intersections, as ordered by the city; the cobblestones to be removed by the Mississippi Valley Railroad Company, and become the property of the city, to be delivered to the Commissioner of Public Works.

Violation other
than Sec. 8.
Penalty. ART. 2021. (14) That for a violation of any part of this ordinance other than section 8 the company shall

Notarial act. be liable to a fine of five hundred (\$500) dollars; and the said company, before exercising the privileges herein

Conditions. granted or conferred, shall enter into a notarial act or agreement with the city of New Orleans accepting the terms and conditions of this ordinance.

ART. 2022. (1) That section 13, Ordinance 584, Council Series, be amended and re-enacted so as to read as

follows, to-wit: That for and in consideration of the privileges granted by Ordinance No. 584, Council Series, by the city of New Orleans to the New Orleans & Mississippi Valley Railroad Company, the Louisville, New Orleans & Texas Railway Company, which is the legal successor of the New Orleans & Mississippi Valley Railroad Company, shall do the following paving in lieu of \$25,000 worth of square block granite pavement, required by said Ordinance No. 584, to-wit: South Poydras street from Rampart to Liberty, thence North Poydras street from Liberty to Magnolia, and South Poydras from Liberty to Locust street, and Liberty street between North and South Poydras streets, with Barber asphalt paving, according to plans, levels and specifications to be furnished by the City Surveyor, and work to be done under the supervision of the Commissioner of Public Works.

ART. 2023. (2) That the said railway company shall, in the event that it lays said asphalt pavement in lieu of said square block pavement as aforesaid, binds and obligates itself to keep said asphalt pavement in good repair for a period of twenty years.

ART. 2024. (3) That the said company then and in that event shall lay and complete said pavement as aforesaid on or before the first day of November, 1885, provided the weather between this date and said first of November be such as to allow work to be done upon said pavement during at least thirty-five days subsequent to the first of September and prior to said first of November; or in the event that the weather shall interfere with the paving of said pavement, then an extension of time for the laying of said pavement shall be allowed beyond said first of November, sufficient to give a total of thirty-five days after the first of September, during which work can be done upon said pavement, and said company shall lay and complete said pavement within said delay so to be computed.

ART. 2025. (4) That the cobble-stones and existing paving, not including banquette curbing, which shall be re-set, revert to and are the property of the city, to be

Amending Sec.
13 of Ord. No.
584, C. S.
Ord. No. 1387,
C. S.
Aug. 18, 1885.

Barber A s -
phalt Paving.

To be kept in
repair for 20
years.

When to be
completed.

Extension of
time.

Cobble-stones, used under the direction of the Commissioner of Public Works at such time and places as the Council may direct; the said company agreeing to remove said cobble-stones to the City Workhouse, corner Lafayette and Magnolia, and deliver the same in the Workhouse yard.

Company to deliver same.
City not responsible.

ART. 2026. (5) That nothing contained in this ordinance is intended to be construed as binding the city of New Orleans, or making her responsible to any person for any loss, damage or injury which might arise should the said company or its assigns be in any manner interfered with or deprived of any of the rights and privileges by this ordinance conferred from any cause whatsoever, and in case there be any conflict or any injury to any rights or privileges heretofore granted by the city to any corporation or persons, the said company binds itself to hold the city harmless, and undertakes the obligation to resist or arrange and settle all such claims at its own expense.

Repealing clause.

ART. 2027. (6) That all ordinances and parts of ordinances in conflict with or contrary to the provisions of this ordinance be and the same are hereby repealed and that this ordinance shall take effect from and after its passage.

Gutters on Poydras street.
Material, etc.
Ord. No. 1542,
C. S.
Nov. 17, 1885.

ART. 2028. (1) That said work is to be executed as per plans and specifications on file in the office of the City Surveyor and approved by the Commissioner of Public Works, and work to be done under the supervision of the Commissioner of Public Works.

Gates at certain crossings.
Ord. No. 5047,
C. S.
June 27, 1891.

ART. 2029. That the Louisville, New Orleans & Texas Railway Company be and they are hereby directed and required to erect gates on North and South Poydras streets, at the intersection of Claiborne and Galvez streets, and keep flagmen night and day at all intersections of streets from their depot at Poydras and Liberty streets to Galvez street, and to fence their tracks—except at said intersections—between the points designated, viz. : Depot to Galvez street, all in accordance with lines and specifications of the City Engineer, who is hereby charged with the proper carrying out of the provisions of this resolution.

NEW ORLEANS & SOUTHERN RAILROAD.

(Formerly Mississippi, Terre-aux-Bœuf & Lake Railroad Company.)

ART. 2030. (1) That the Mississippi, Terre-aux-Bœuf & Lake Railroad Company and its assigns be and they are hereby authorized and empowered to locate, construct, maintain and operate a railroad, by steam or other motor power, with all necessary tracks and bridges, on Goodchildren street, from the line of the parish of St. Bernard to Elysian Fields street, in the Third District, and at the intersection of said Goodchildren and Elysian Fields streets to construct, maintain and operate all necessary switches, turnouts, sidings and structures of every kind convenient, useful, necessary and appurtenant to said road; provided, the same does not in any manner conflict or interfere with any rights of a similar nature previously granted to other corporations or individuals through said streets.

Right of way.
Ord. No. 8077,
A. S.
Oct. 5, 1882.

Switches, turn-
outs, sidings,
etc.

Not to con-
flict.

ART. 2031. (2) That the construction of said line of road, with all switches, etc., shall be made and completed, according to lines, levels and plans of the same to be furnished by the City Surveyor.

Supervision
of the City Sur-
veyor.

ART. 2032. That the M., T. A. B. & L. Railroad Company is and are hereby directed to comply with Ordinance No. 946, and cause to be constructed at once the proper culverts under their tracks from Elysian Fields street to the lower limits of the city. The dimensions and location of culverts to be as directed by the City Surveyor.

To construct
culverts.
Ord. No. 3103,
C. S.
July 26, 1888.

ART. 2033. That in the event of the said railroad company failing to signify their willingness to comply with this ordinance within twenty days of the promulgation of same the Commissioner of Public Works is hereby directed to proceed and carry out the provisions of Ord. No. 946.

NEW ORLEANS, FORT JACKSON & GRAND ISLE RAILROAD COMPANY.

ART. 2034. (1) That the New Orleans, Fort Jackson & Grand Isle Railroad Company and its assigns be

Right of way.
Ord. No. 3704,
C.S.
May 21, 1889.

and are hereby authorized and empowered to construct, maintain and operate a railroad, by steam or other motor power, with all necessary tracks and bridges on Bouny street from its intersection with Villere street, as far as Alix or Eliza streets, then diagonally across Powder, Eliza and Market streets and up Madison street to the lower line of the parish of Jefferson, which said streets are situated in the Fifth Municipal District of the city of New Orleans, parish of Orleans, on the right descending bank of the Mississippi river, and at and near the intersection of said Bouny and Villere streets. The said railroad company are authorized to construct, maintain and operate all necessary switches, turnouts, sidings, and structures of every kind, convenient, useful and necessary and appurtenant to said road.

Lines and
levels.

That the construction of said line of road, with all switches, etc., shall be made and completed, according to lines, levels and plans of the same to be furnished by the City Surveyor.

Shops.

ART. 2035. That the shops of said railroad company shall be located and maintained in Algiers, the Fifth Municipal District of the parish of Orleans; and, provided further, that said company shall, simultaneously with the laying of their tracks, plank in a thorough manner that part of Bouny street from its intersection with Villere to Market street, to within (18) eighteen inches of the curb on either side, on that portion of said street, not used by a street railroad, and from the track of the street railroad to within eighteen (18) inches of the curb on that portion of the street on which there is a street railroad, and keep and maintain the said plank in good condition during the continuance of this franchise, for the term of ninety-nine years.

Plank Bouny
street.

Construction.
Ib.

ART. 2036. That all tracks within the city limits shall be laid on stringers; the streets through which they run be properly graded, repaired and kept in good condition; the bridges to be placed in sound order and so kept, and gutters and culverts properly cleansed to obviate any obstruction to drainage. All specifications for work, the grades for the tracks and the repairs of

the bridges and the streets are to be given by the City Surveyor, the Commissioner of Public Works to have the right, at any and all times, to require said company to make such repairs or do such work as is herein specified, as in his judgment may be needed; and, provided further, that the said road shall be commenced within one year and completed and in operation within two years from the promulgation of this ordinance.

ART. 2037. That the New Orleans, Fort Jackson & Grand Isle Railroad Company and its assigns be and are hereby authorized to construct, maintain and operate a railroad, by steam or other motor power, with all necessary tracks and bridges, in the Fifth Municipal District of this city, across Eliza, Alix and Peter streets, where said streets adjoin to and are near the property fronting on the west side of Powder street, and then to cross Powder and Delaronde streets, at, on and near their intersection with the river, and the said railroad company are authorized to construct, maintain and operate thereon all switches, sidings and structures of every kind necessary and convenient to operate said railroad.

ART. 2038. (2) The said railroad company is hereby authorized to remove, rebuild and revet the levee at and in front of Powder street and up to Bouny street and all the above to be done in accordance with plans, lines and levels to be furnished and approved by the City Surveyor.

ART. 2039. (3) Ordinance No. 3764, C. S., is hereby amended so that in case said railroad track be laid on the west side of the present street car track of the Algiers and Gretna Railway, as it is now or may be located, that said rails may be laid on crossties; provided, that at all intersecting streets all crossings shall be properly planked and kept in repair, and that at no time shall the said track offer any obstructions to the passing of vehicles; and provided, track or tracks shall be planked at any time Council may require same.

Provided, That if any part of the new levee to be built under this ordinance is at any time in danger of caving,

Repairs.

Right of way.
Ord. No. 4240,
C. S.
Jan. 28, 1890.

Levee in
front of Pow-
der street.
Ib

Amending
Ord. No. 3764,
C. S.
Ib.

To restore or
rebuild levees.

Ib.

the said railroad company shall immediately, on notification of the Commissioner of Public Works and City Surveyor, restore and repair the present levee in a thorough manner, or, at their option, build a new levee in the rear of the present levee of the location, grade and dimensions indicated by the City Surveyor.

Repealing
Ord. No. 4926,
C. S.
Ord. No. 6707,
C. S.
Sept. 6, 1892.

ART. 2040. That resolution No. 4926, approved December 10, 1890, granting to the New Orleans, Fort Jackson & Grand Isle Railroad the privilege of building a platform at the head of Canal street be and the same is hereby repealed.

NEW ORLEANS & WESTERN RAILROAD COMPANY.

Right of way.
Ord. No. 10,393,
C. S.
March 5, 1895.

ART. 2041. That the privilege and right be and the same is hereby granted to the New Orleans & Western Railroad Company, a corporation organized under the laws of the State of Louisiana and domiciled in the city of New Orleans, to construct, maintain and operate, during its corporate life, its line of railroad, with either single or double tracks, for the carriage of freight, passengers, mail and express matter, in and through the city of New Orleans as follows:

Route.

Ib.

ART. 2042. Beginning at a point on the Upperline Canal, forming the upper boundary line of the parish of Orleans, about one thousand feet, more or less, from where said canal crosses Bayou Metairie, thence over private lands to a point on the New Canal between the Metairie Cemetery and Lake Pontchartrain, about one thousand feet, more or less, from the western boundary of said Metairie Cemetery, thence across said canal, passing over private lands behind Greenwood Cemetery and the City Park to the Bayou St. John, at the point where it is intersected by Marigny Canal, thence across said bayou along the embankment and line of the Marigny Canal and Marigny avenue to Florida Walk, thence along the embankment and line of Florida Walk to the lower limits of the parish of Orleans, with the right to acquire, by purchase or expropriation, property on the river front between Jourdan and Adams streets, in the Third District of this city, and when so acquired

to connect said property by double track through the most convenient street between said limits back to Florida Walk; and also to construct switches and turn-outs into property adjacent to its line of road.

The company shall be bound at all times to maintain the embankment along Florida Walk, occupied by its line, in good order and condition and up to the present established grade, to the satisfaction of the Orleans Levee Board.

ART. 2043. (2) That the crossings over the shell road, on the New Canal, and over the lines of the New Orleans, City & Lake Railroad, on the New Canal, shall not be at grade, but shall be at least fourteen feet above grade.

Crossings —
Shell Road and
New Canal.
Ib.

ART. 2044. (3) That iron drawbridges shall be constructed over the New Canal and the Bayou St. John, and shall be at all times properly opened and handled at the expense of said company so as not to interfere with the traffic on said canals.

Iron draw-
bridges.
Ib.

ART. 2045. (4) That said road, with its switches, turn-outs and sidetracks, shall be constructed on lines and levels to be approved by the City Engineer, and shall be so constructed as not to interfere with the drainage of the city of New Orleans, and said company is at all times on notice from the Mayor to conform its culverts and other structures to the exigencies of the city drainage at its own cost and expense.

Switches, etc.
Ib.

ART. 2046. (5) That at all points in the parish of Orleans where the line of said road intersects the line of any railroad now existing or hereafter to be authorized, it shall have the right to construct switches, turnouts and sidings, and to interchange cars, freight and traffic with said railroads at said points.

Switches, etc.
Ib.

The company is hereby specially obligated to permit the use of its tracks by all intersecting railroads to interchange their cars with each other, and shall not be permitted to charge for such use of its tracks within the parish of Orleans more than two dollars per car.

Use of its
tracks.
Ib.

ART. 2047. (6) That in front of all property acquired by said company on the river front in the Third District it shall have the right to build wharves, warehouses,

Wharves, ware-
houses and
sheds on river
front.
Ib.

sheds and other structures convenient and appropriate for the handling of its business, and to connect the same with its main tracks with switches, turnouts and sidetracks; provided, however, that nothing in this ordinance shall be construed in any manner impairing the contract of the present wharf lessees; and provided further, that all wharfage charges imposed upon vessels landing at said wharves, if any, shall be for the use and benefit of the city of New Orleans, and said company shall not have the right to charge any wharfage whatever for its own use and benefit, the city especially reserving the right to make said wharves free if she so elects.

Damages to
private prop-
erty.

ART. 2048. (7) That all damages to private property on any street through which the line of this road is constructed, caused or occasioned by the construction of the road or its appurtenances herein authorized, shall be paid by the said company in accordance with the Constitution and laws of the State of Louisiana.

Paving.

Ib. The company, by its acceptance of this ordinance, binds itself to pave with Belgium blocks, on plans and specifications approved by the City Engineer and Commissioner of Public Works, the whole of Peters street in front of all property acquired by it in the Third District, and to plank all streets intersecting its depots and yards, and to plank as far back as St. Claude street any street it may occupy in passing from Florida Walk to the river front. All this paving and planking is to be done as soon as the property is acquired or the street is traversed, and both paving and planking are to be kept in good order and condition by the company during the continuance of this grant.

To hold city
harmless.

ART. 2049. (8) That the said company as one of the conditions of this grant agrees and binds itself to hold the city of New Orleans free and harmless from all damages and claim of damage of every kind and nature, whether from corporations or individuals, growing out of the grants and franchises herein contained.

Interpretation
of ordinances.

Ib. This ordinance is to be interpreted as the granting by the city to the New Orleans & Western Railroad

Company of its consent, as provided in Article 689 of the Revised Statutes of the State of Louisiana, to said company's entering and passing through the city of New Orleans, and nothing herein is to be construed as in contravention of any grants, heretofore made by the city of New Orleans or the State of Louisiana, of rights of way or privileges over any portion of the above mentioned route, and all rights herein granted are subject thereto.

ART. 2050. (9) That said company shall have the right to run its passenger trains from the point where it intersects the Illinois Central Railroad, over the tracks of said road into and out of the depot of said company as established at the corner of Rampart and the New Basin; provided, that the terms, conditions on which and the compensation for which these tracks and depots shall be used by it shall be first fixed by agreement between the Illinois Central Railroad and the New Orleans & Western Railroad Company.

ART. 2051. (10) That if the said company shall not begin work on the construction of the line of its road within the parish of Orleans within six months from the date of the promulgation of this ordinance, or if it shall not complete the same within the limits of the parish of Orleans within two years from said date, then this ordinance is to be *ipso facto* null and void and of no effect, without any putting in default.

PONTCHARTRAIN RAILROAD COMPANY.

ART. 2052. (1) That the city of New Orleans hereby grants to the Pontchartrain Railroad Company the right and privilege to extend, construct and maintain, and thereafter to manage and use by running thereon the engines and cars and trains of cars, a single track railroad with the necessary turnouts to and from the depots, from the present terminus of their road at the intersection of Elysian Fields and Peters streets, along the curbstones bordering the levee to St. Philip street, thence in the centre of Clay street to Toulouse street, thence

Passenger
trains. Ib.

Failure to
build in certain
time.

Franchise.
Ord. No. 664,
N. S.
Oct., 1857.

on the levee to the intersection of Canal and Delta streets, and thence in the centre of Delta street to Girod street.

Not to ob-
struct streets or
impair drain-
age.

ART. 2053. (2) That in the construction of the said line of road and the track and turnouts thereof the said Pontchartrain Railroad Company shall not in any manner obstruct or impair the drainage of the streets and levee along, upon or across which said railroad is hereby located, and that the said company shall, at all times and in every respect, be bound to conform with the lines, levels and grades to be established by the City Surveyor; and whenever the company shall find it necessary to cover the channel of any drain the sides thereof shall be first protected with brick, stone or wood in a good and substantial manner and to the entire satisfaction of the City Surveyor; and said covered channel shall be kept open and clear for the passage of water by said company.

To pave
street.

ART. 2054. (3) That the said railroad company shall be bound to pave with square block stones the space between the rails of the track and three feet in width on each side of said tracks, and to always keep in the best repair and condition the paving, shelling or macadamizing of the streets, as well as the bridges at the intersection of the streets through which the right of way is hereby granted; and should the said company, after having been duly notified by the Street Commissioner, refuse or neglect to keep said streets and bridges in the said good repair and condition, it shall be the duty of the Street Commissioner to cause the said repairs to be made at the expense of said railroad company, and to immediately report the same and the cost thereof to the Common Council; and in the event of a refusal by the said railroad company to pay to the city the amount of the expenses thus incurred for making the said repairs the said amount shall be recoverable before any court of competent jurisdiction.

Depots.

ART. 2055. (4) That the said railroad company shall have the right to construct, and thereafter use and maintain, for the safe and convenient transaction of its busi-

ness, such depots as it may deem necessary; provided, that said depots be located on property to be first legally acquired by the said company; and, provided, also, that the said depots be constructed in the most substantial and workmanlike manner, with bricks, stone or iron, and covered with slate or metal, and be designed and completed in such a manner as to make them in every respect first-class depot buildings.

ART. 2056. (5) That the Common Council of the city of New Orleans reserves the following rights, to-wit: Reservation
of rights.

(a) Whenever the extent of the levee in front of the city will be such as not to be any longer required for the use of commerce, to dispose and sell any part of the same divided into squares and lots, and to compel the same railroad company to remove its track therefrom, unless it prefers to acquire the same by purchase in the usual manner.

(b) To revoke at any time the right hereby granted to said company to use steam locomotion, and to compel horse or mule power only to be used.

ART. 2057. (6) That the said railroad company shall be subject to all rules and regulations already in existence, or which may hereafter be enacted by the Common Council. Rules and
regulations.

ART. 2058. (7) That the trains on said road shall not move at greater rate than five miles per hour. Speed.

ART. 2059. (8) That should the said Pontchartrain Railroad Company fail to complete the said line of road and depots, etc., within one year from and after the adoption of this ordinance, or should afterward fail to maintain and have a regular communication and means of traffic on said line of road, then the rights and privileges which are hereby granted to said company shall be forfeited and revert to the city of New Orleans. Right of rever-
sion.

Adopted by the Council, July, 1867.

ART. 2060. (1) It shall not be lawful for the officers of said railroad to run their locomotives and cars, when coming to or going from the city, at a speed exceeding three miles an hour, in the space comprised between Goodchildren and Victory streets. Speed.
N. S 3560.
Oct., 1857.

Detachment
of locomotive.
Penalty.

ART. 2061. (2) That the said Pontchartrain Railroad Company are hereby positively forbidden to unshackle or detach the passenger, baggage or freight cars from the locomotive, as now practised, when at a short distance from the terminus or depot; and it shall be their duty to have an alarm bell of sufficient size, power and strength, to be heard at least a distance of two squares, attached to their locomotives, which they shall be required to toll incessantly from Goodchildren street to the depot or city terminus when coming to the city, and from the depot to Goodchildren street when going to the lake.

Penalty.

ART. 2062. (3) That the penalty for the violation of the provisions of this ordinance shall be as follows: A fine of one hundred dollars shall be imposed for every contravention of this ordinance, recoverable before any court of competent jurisdiction, upon the report of any police officer or conservator of the peace.

To connect
with Fair
Grounds.
A. S. 1042.
Aug., 1871.

ART. 2063. (1) That the Pontchartrain Railroad Company be and it is hereby authorized and empowered to connect with the Fair Grounds by means of a branch track, starting from its main lines at some convenient point south of Marigny avenue; provided, that title to all private property through which said branch track may run shall first be acquired by the Pontchartrain Railroad Company.

Route.

ART. 2064. (2) The said branch track shall curve off from the main lines as aforesaid from whichever side of Elysian Fields street the company may elect into Marigny avenue, thence through the avenue to its intersection with Agriculture street, thence through Agriculture street to a point at or near its intersection with Lapeyrouse street, and the said branch track shall be provided with the usual and requisite number of sidings and turnouts, and when the said branch track, sidings and turnouts shall have been located and built, as aforesaid, and in accordance with lines and levels furnished by the City Surveyor, they shall be maintained, managed and used by said Pontchartrain Railroad Company, as provided for in their charter, the said company

to keep in repair such streets as the branch track may pass through.

ART. 2065. (3) The said company is further authorized and empowered, subject to revocation at the pleasure of the Council, to lay a track on the Delta street sidewalk bordering their property from Poydras street to Notre Dame street, connecting the same with their present track on Delta street; provided, that the right of way and other privileges thereby granted shall lapse and be of no avail, unless the branch track, sidings and turnouts aforesaid are completed and ready for the use of the public within eighteen months after the passage of this ordinance.

To make connection.

ART. 2066. That the Committee on Public Order investigate the franchise of the Elysian Fields & Milneburg Railroad, usually known as the Pontchartrain Railroad, and report to the Council what disposition should be made of said franchise.

To investigate franchise.
Ord. No. 9905,
C. S.
Oct. 30, 1894.

ART. 2067. That the City Engineer be and he is hereby directed to prepare specifications for the sale of the franchise of the Pontchartrain Railroad.

Plans and specifications.
Ord. No. 10,050,
C. S.
Dec 4, 1894.

STREET RAILROADS.

NEW ORLEANS & CARROLLTON RAILROAD.

ART. 2068. (1) From the junction of Canal and Delta streets, through Canal, over the tracks of the Claiborne Railroad Company, with the privilege of placing an extra rail between or outside of said Claiborne Railroad Company tracks to Baronne street, through Baronne street, through Delord street, and through St. Charles avenue to Madison street in Carrollton.

Right of way, franchises.
Ord. No. 7812,
A. S.
May 10, 1882.

ART. 2069. (2) From Tchoupitoulas street through Napoleon avenue to its junction with St. Charles avenue.

ART. 2070. (3) From Water street through Jackson street to its junction with St. Charles avenue.

ART. 2071. (4) These rights of way, or franchises, embrace all the lines of railroad now owned and operated by the Carrollton Railroad Company, whose rights and franchises expire on the ninth day of February,

1883, and the conditions of the sale shall be on the terms hereinafter specified.

Route to Lake Pontchartrain.

ART. 2072. (5) The company or individuals purchasing the franchises to have the privilege of selecting a right of way to Lake Pontchartrain through any of the wide streets between Jackson and Madison streets, subject to the consent of the Council of the city of New Orleans.

Deposit.

ART. 2073. The bids for this franchise must be accompanied with a deposit or certified check of fifty thousand (\$50,000) dollars, as evidence of the bidder's intention to abide by the adjudication, which amount shall be forfeited to the city in case of failure to sign the contract; and in case of litigation resulting from said sale the bidder will be permitted to substitute for said deposit or certified check a bond in equal amount, to the satisfaction of the City Council. And the term of franchise shall be twenty-five years from the date the purchaser has been placed in actual possession of the same.

Term of franchise.

ART. 2074. Bidders to whom the contract may not be awarded shall have their deposits returned to them on the day of the adjudication.

ART. 2075. That bids be received, payable all cash or in State Court or United States Court judgments, premium bonds, consolidated bonds, floating debt or past due outstanding coupons of the city of New Orleans. That said bids be received by sealed proposals accompanied by cash deposit of \$50,000, either in currency or certified check, until 12 M. Saturday, May 13, in the Mayor's parlor. In the event the bids are rejected the money or checks will be returned.

Terms of sale.

SPECIFICATIONS.

For the franchises or right of way to operate cars from the junction of Delta and Canal streets, through Baronne street, through Delord street, through St. Charles avenue to station now known as Carrollton Railroad station, also through Jackson street and Napoleon avenue from St. Charles avenue to Water street,

and to select a route to Lake Pontchartrain on any wide street between Jackson and Madison streets, subject to the consent of the City Council.

ART. 2076. All lines of grades of the above routes are to be established by the Administrator of Improvements and City Surveyor.

ART. 2077. All of the above-named lines shall be double tracked, and may be of the narrow-gauge, four feet eight inches and four lines (4 feet 8 inches 4 lines). Gauge.

ART. 2078. The crossties shall be of the best quality of cypress or upland pine, eight (8) feet long, hewn or sawn on two opposite sides, having not less than eight (8) inches face and five (5) inches of uniform thickness; their distance apart shall not be more than twenty-four (24) inches from centres, except where stringers are used, when they are not to be more than four (4) feet from centres. Crossties.

ART. 2079. The stringers shall be of the best quality of milled pine, of not less than four (4) by nine (9) inches and not less than twenty (20) feet long; they shall be fastened to each crosstie inside and outside by spiked wrought-iron knees, half ($\frac{1}{2}$) an inch thick, two (2) inches wide, and each part of knee six (6) inches long. Stringers.

ART. 2080. Where stringers are used, tie-rods five-eighths ($\frac{5}{8}$) of an inch in diameter and of sufficient length, having heads, threads and nuts, shall be placed throughout every ten (10) feet apart. Tie rods.

ART. 2081. The rails shall be of steel or iron of two patterns, the T and flat, the weight of which shall not be less than that used at present; the joints of the T rails shall be fastened with fish-bars, suitable bolts, screws, etc., and the whole rail spiked to each crosstie, inside and outside, with two (2) five (5) inch wrought-iron spikes; the flat rail shall be four (4) inches wide and their ends shall rest on suitable chairs. Rails.

ART. 2082. All gutters or drains crossed by these lines shall be culverted with pine lumber of the best quality, in accordance with plan and specifications to be furnished by the City Surveyor. Gutters or drains.

Streets; by
whom kept in
order.

ART. 2083. It shall be the duty of the railroad company purchasing these rights of way or franchise to keep the following streets, including crossings, bridges, culverts and intersections, in good order and condition at all times :

1. Baronne street, from Canal to Delord street, from curb to curb, including all crossings, bridges, culverts and intersections.

2. The streets or roadways bordering the neutral ground on St. Charles avenue, from Lee Circle to Madison street in Carrollton, from curb to curb, also including all crossings, bridges, culverts and intersections ; and

3. Jackson street, from St. Charles avenue to Water street, from curb to curb, also including all crossings, bridges, culverts and intersections.

Cars.

ART. 2084. The cars shall be of the latest improved pattern.

Fare.

ART. 2085. The rates of fare from Canal street to the head of Jackson street and the Napoleon avenue station, and points between, shall be (5) five cents, and (5) cents beyond Napoleon station, between the hours of 4 A. M. and 12:30 P. M., except the actual residents beyond Napoleon avenue, who shall have the privilege of purchasing through tickets at the rate of ten for fifty (50) cents. The fare between 12:30 P. M. and 4 A. M. to be charged shall be ten (10) cents to Napoleon avenue and ten (10) cents from there on to Carrollton.

Time of start-
ing.

ART. 2086. The cars of the Carrollton and Jackson street lines shall run between Canal street and the head of Jackson street and the Napoleon avenue station at intervals of time not to exceed the following schedule :

Five minutes between 5 A. M. and 10 A. M.

Six minutes between 10 A. M. and 3 P. M.

Five minutes between 3 P. M. and 7 P. M.

Ten minutes between 7 P. M. and 9 P. M.

Fifteen minutes between 9 P. M. and 12 P. M.

And on the Carrollton line sixty minutes between 12:30 P. M. and 4 A. M.

Between Napoleon avenue and Carrollton the cars shall run every five minutes between 4:30 A. M. and 10 A. M.

Ten minutes between 10 A. M. and 3 P. M.

Five minutes between 3 P. M. and 7 P. M.

Ten minutes between 7 P. M. and 10 P. M.

Fifteen minutes between 10 P. M. and 12:30 A. M.

Sixty minutes between 12:30 A. M. and 4 A. M.

On Napoleon avenue the cars shall run every ten minutes between 5:30 A. M. and 9 P. M.

ART. 2087. The fare on the lake route to be no more going or returning, the distance between its termini, than those now charged by the New Orleans City Railroad Company, to-wit: fifteen cents for the round trip on its lake route.

ART. 2088. Steam shall not be used as the motor power of cars operating on Baronne street and Delord street, unless by consent of a majority of the property holders residing along said street, and the concurrence of the City Council of this city. If horses or mules are used as the motive power of any of the cars of this railroad, they shall, when upon the road, be belled with the usual car bell, and not driven at the rate of speed exceeding six miles an hour. Motor power.

ART. 2089. The company hereby has the right to employ any improved process as motors if the same is not objectionable to the community or city authorities.

ART. 2090. It is to be understood and agreed upon that this line shall never be used for continental transit, or for the operating of such locomotives and cars as are or may be used by such railway lines as the Chicago & St. Louis, Louisville & Nashville and similar lines, without special permission obtained from the Council of the city; provided, this section does not prevent the use of steam as a motor from Tivoli or Lee Circle, on St. Charles avenue, to Madison street in Carrollton, and to Lake Pontchartrain. For continental transit not allowed.

ART. 2091. The parts of this railroad constructed on Baronne and Jackson streets, shall be a flat four (4) inch wide rail, laid on stringers, and these latter on Flat rail.

crossties, all in accordance with description previously mentioned; that on Jackson street to be laid whenever said street is paved.

Trail.

ART. 2092. The parts of this railroad constructed on St. Charles avenue, except that portion already paved with square block around Lee Circle, may be a T rail, in accordance with description previously given. The part of this railroad running to the Lake Pontchartrain shall have its specified construction from the City Council, after the company has selected its route and made application for the same.

Paving of
Jackson and
Baronne streets

ART. 2093. It is to be well understood that the purchasers of this franchise bind themselves to pave Jackson street, between their rails and tracks, from St. Charles avenue to Water street; also Baronne street, between their rails and tracks, from Canal street to Delord street, with any improved pavement which shall hereafter be agreed upon by the property holders and the City Council.

Reversion of
rights.

ART. 2094. The property and appurtenances of this railroad company shall revert to the city of New Orleans at the expiration of its franchises on February 10, 1908, on a valuation to be ascertained by two disinterested persons, one to be appointed by the railroad company and the other by the city; and in the event of a disagreement as to said valuation between the said two persons thus appointed, a third party or umpire shall be appointed by one of the district courts, the decision thereby had to be final and binding.

When to be
finished.

ART. 2095. It shall be finished in accordance with these specifications: the Jackson street portion within three months, and the Canal street and St. Charles avenue portion within nine months from the 10th day of February, 1883; the lake route shall be completed within five (5) years from date of contract or purchase of this franchise to the entire satisfaction of the City Surveyor and the Administrator of Improvements, otherwise all rights accruing under this ordinance to build the lake route shall be forfeited.

ART. 2096. The party or parties to whom this franchise may be awarded, shall, for the faithful execution of these specifications, give good and solvent security in the shape of a bond, naming real estate, unencumbered, to the amount of (\$100,000) one hundred thousand dollars. The said bonds shall be filed in the Mortgage Office of the city of New Orleans and accepted by the Mayor. Security.

ART. 2097. It shall be the duty of the Administrator of Improvements and City Surveyor to notify in writing the company of any violations of these specifications, giving them reasonable time to rectify any such violation; if upon the expiration of said mentioned time the company has neglected or refused to comply, the City Council shall have the said violation rectified. The cost for so doing shall be recoverable before any court of competent jurisdiction. Company to be notified of violation of specification.

ART. 2098. The company possessing this franchise shall submit to the City Council a statement at the expiration of the twenty-third year of possession, sworn to by them as correct before one of the district courts or any court of equal jurisdiction in the city of New Orleans; said statement shall be submitted prior to February 28, 1906, and a similar final report shall accompany the reversion of the property of the railroad company to the city, both of which statements shall be outlined or itemized accordingly, to-wit: Tabulated statement.

ART. 2099. (1) Length, miles; (2) length of double track, miles; (3) length of single track operated in one direction, miles; (4) length of single track in both directions, miles; (5) length of switches, sidings, etc., miles; (6) length of rail per lineal yard, pounds; (7) quality of rail and length of each; (8) kind of rail and length of each. Description of road.

ART. 2100. (1) Number of horses or mules; (2) number of engines; (3) weight of engines; (4) power of engines; (5) number of cars; (6) long cars, seating capacity; (7) short cars, seating capacity. Equipment.

ART. 2101. (1) grading and paving; (2) roadbed, timber, rails, laying; (3) engineering and other ex- Cost of construction.

penses during construction; (4) average per mile of single track, not including sidings; (5) average per mile of single track of sidings; (6) turntable; (7) culverts; (8) culverts, crossings; (9) total cost of construction.

Cost of equipment.

ART. 2102. (1) Roadbed superstructure; (2) rails; (3) lands; (4) buildings and equipments; (5) land damages; (6) horses and mules; (7) harness; (8) cars; (9) other vehicles and articles of equipment; (10) engines; (11) total cost of equipments.

Operating expenses.

ART. 2103. (1) Repairs of roadbed and tracks; (2) Repairs of cars; (3) Repairs of other vehicles; (4) Repairs of harness; (5) Repairs of buildings; (6) Repairs of pavements; (7) Repairs of culverts; (8) Horseshoeing. (9) Horses and mules; (10) Taxes on real estate; (11) Office expenses, etc; (12) Salaries of officers; (13) Conductors and drivers; (14) Watchmen, starters, switchmen and roadmen; (15) Stable expenses; (16) Proven—der—Hay, corn, oats, feed; (17) Fuel; (18) Gas; (19) Other lights; (20) Oil and waste; (21) Water tax; (22) Insurance; (23) Lawyers' expenses—Lawyers' fees (naming lawyers and suits), court charges; (24) Damage to persons and property; (25) Rents; (26) Car licenses; (27) Advertising and printing; (28) Tax and dividends; (29) Interest; (30) Tolls or royalty; (31) Contingencies; (32) Keeping good the stock of horses and mules; (33) Tax on capital; (34) Repairs of engines.

Revenue.

ART. 2104. (1) From passengers; (2) from sale of manure; (3) from sale for horses and mules; (4) from sale of old material; (5) from advertisements in cars; (6) from interest; (7) from rents; (8) tolls of royalty; (9) miscellaneous; (10) total income; (11) per cent of expense to income.

Operating particulars.

ART. 2105. (1) Number of miles run by cars; (2) average cost per mile — cents; (3) number of passengers carried; (4) rate of speed, including stops, miles per hour; (5) number of persons regularly employed by the company; (6) rate of fare — cents; (7) number of hours constituting a day for regularly employed persons; (8) number of trips per day made by a con

ductor; (9) number of trips per day made by an engineer and fireman; (10) number of trips per day made by a driver; (11) number of trips per day made by a horse or mule.

ART. 2106. It is well understood that in case of failure by the company to finish the work within the time fixed, its bonds shall be forfeited to the city of New Orleans. In case the City Council be dissatisfied with the manner in which the work is being executed, it shall have a right to annul the franchise without putting the company in default, as required by Art. 1905 of the Civil Code, or any other law or laws, and without applying to a court of justice to annul the same, and without indemnity; and it is to be also well understood that in case the company shall at any time abandon the work or not finish the same in accordance with these specifications, the said company shall forfeit all claims it may have for any part of the work done by it up to the date of its abandonment, and that the city shall thereby be discharged from any and all liabilities therefor; the company expressly agreeing and understanding that this condition is in all things binding, and that the company, their heirs, their legal representatives or assigns, shall at no time, in any court of justice, by plea, answer, exception, motion, objection of any sort, kind or description, or under any circumstances, set up, urge, or in any way allege, plead or claim that this condition in his specifications is not, in all respects, legal, binding and obligatory on the company or its legal representatives or assigns.

Clauses.

ART. 2107. (6) That all ordinances or parts of ordinances or specifications or parts of specifications in conflict herewith be and the same are hereby repealed.

Repealing
clause.

ART. 2108. (1) That permission be and is hereby granted to the New Orleans & Carrollton Railroad Company to erect a platform and pavilion on the same, in Carrollton, commencing at the lower line of the prolongation of Madison street, extending 250 feet down stream, and ten (10) feet riverward from the line of the present revetment.

Platform and
pavilion.
Ord. No. 340,
C. S.
July 3, 1883,

Consent of
wharf lessee.

ART. 2109. (2) That the granting of this privilege be and is hereby given with the understanding (1) that the consent of Geo. S. Petit, or his successors or assigns, as the purchasers of the revenues of the Mississippi, of the Sixth and Seventh Districts of this city, be obtained prior to the constructing of the platform and pavilion; (2) that the railroad company place upon the platform day and night watchmen, who will be required to obtain authority from his Honor the Mayor; (3) that the whole structure be properly and adequately lighted; (4) that no business be transacted on the platform or in the pavilion without the consent of both the City Council and the railroad company.

Night watch-
men.

Lighting.

Privilege dur-
ing pleasure of
Council.

ART. 2110. (3) That this privilege be and is hereby granted during the pleasure of the City Council, and that the whole structure be built according to plans and specifications to be approved by both the Commissioner of Public Works and City Surveyor.

ART. 2111. (4) That this ordinance take effect from and after its promulgation.

Notarial act
relative to right
of way.
Ord. No. 7983,
A. S.
Aug. 7, 1882.

ART. 2112. (1) That the Mayor be and he is hereby authorized, for and in the name of the city of New Orleans, to contract by notarial act, or otherwise, with the New Orleans & Carrollton Railroad Company, their heirs, assigns and transferees, for a sale of franchises or rights of way for street railroads, as offered by the city under Ordinances Nos. 7812 and 7830, A. S., approved respectively on the 10th day of May, 1882, and 23d day of May, 1882; provided, said sale be made on the terms, conditions and specifications contained in said Ordinances No. 7812 and No. 7830, under which the sale has heretofore been advertised, and in accordance with the terms and for the consideration expressed in the bid or proposition of date August 4, 1862, made in writing to the Council by said company to the following effect, to-wit:

Proviso.

Consideration.

ART. 2113. As consideration for the sale or grant of said franchise or right of way for a period of twenty-five years, commencing on the 10th day of February, 1883, on the terms and conditions of specifications here-

inbefore referred to and on those hereinafter stipulated, the said company is to pave seventy thousand (70,000) superficial square yards of St. Charles avenue with such pavement and at such places or portions of said avenue as the city of New Orleans shall designate, which pavement shall be of a nature as shall not exceed in cost, laid complete, three dollars (\$3) per superficial square yard, said three dollars per superficial square yard to include all the necessary alterations, additions and repairs to such culverts, curbs and wings as shall be necessary to complete the pavement at the places designated for said pavement.

Paving.

Culverts, curb
and wings.

ART. 2114. And the said company shall further agree to pave thirteen thousand (13,000) superficial square yards of such streets and at such places upon such streets as the city of New Orleans shall designate, said pavement to be of a nature as shall not exceed in cost five 75-100 dollars (\$5.75) per square yard, to include all the necessary alterations, additions and repairs to such culverts, curbs and wings as shall be necessary to complete the pavement at the places designated for said pavement. It shall be understood and agreed that, should the pavement selected by the city for any of the streets or portions of streets named above, cost less than the sum per yard above named, the company binds itself to pave additional places or streets to the extent of said difference at such places and upon such streets as may be designated by the city.

Additional paving to be executed.

ART. 2115. This work or paving to be done under the supervision of the City Surveyor and Administrator of Improvements, or such officer as may be charged with the supervision and control of the streets, and to have their written approval before the same shall be accepted. The contract for paving to be awarded to the lowest responsible bidder or contractor, and the work shall commence on the date fixed for commencement by contracts for paving which the city may make and approve, and to be finished within two years from said commencement.

Supervision
of City Surveyor.

Lowest bidder.

ART. 2116. Said company shall furnish a bond in the sum of one hundred thousand dollars, with mortgage

Bond, \$100,000.

upon all its property, for the faithful performance of the stipulations of the contract, the condition of which shall be that if the company violates any of the obligations herein or fails to complete the paving contract contracted for at the time and in the manner agreed, unavoidable delays from any cause excepted, the said company shall become liable for damages in such sum as may be determined by any court of competent jurisdiction, and the city shall have the option to declare the contract terminated and the franchise forfeited.

Right of city
to acquire road.

ART. 2117. In case of forfeiture or termination of contract from any cause, except it be under a new and distinct agreement, the city shall have the option to exercise the right of acquiring the road, fixtures, etc., as if the contract had continued to its stipulated period.

Of through
tickets.

ART. 2118. And the company shall further agree to commence the sale of through tickets to actual residents above Napoleon avenue on the first of November next, 1882, at the rate of ten (10) tickets for fifty (50) cents, and it shall be distinctly understood that never, under any circumstances, shall the price of tickets be more to actual residents above Napoleon avenue than fifty cents for ten (10) tickets, good from Canal street to Carrollton, except in the night cars.

Price of.

Steam as a
motive power.

ART. 2119. It shall also be understood and agreed that steam shall not be used as a motive power below Napoleon avenue, except with the consent of a majority of the propertyholders on said street below Napoleon avenue.

Cession neu-
tral ground on
St. Charles ave.

ART. 2120. And the said company shall also waive and abandon and cede, sell or transfer to the city of New Orleans any and all right, title and interest which said company has or may have as owner, whether claiming under expropriation or voluntary cession in and to any part of the neutral ground on St. Charles street, and agrees, so far as it can, that said neutral ground shall absolutely be and remain a public street and highway under the control of the city of New Orleans.

ART. 2121. (2) That in all matters and particulars in which the terms, conditions and stipulations, herein expressly set forth, may conflict or differ from those in said original Ordinances Nos. 7812 and 7830, these said ordinances shall be considered modified and repealed; in all other respects, and when there is no conflict or change, all the specifications, terms, etc., shall be in force and constitute part of the contract to be entered into, excepting also specially the stipulation in regard to all night cars on Jackson street, from the obligations to run which the company is hereby expressly absolved.

In case of
conflict how
settled.

Night cars on
Jackson street.

ART. 2122. Whereas, the New Orleans & Carrollton Railroad Company has agreed to pave 70,000 square yards of such place on St. Charles avenue as the city may designate, with such pavement selected by the city as shall not exceed in cost \$3 per square yard, said \$3 per square yard to include the cost of all new culverts, bridges, curbs or repairs or additions to old culverts, bridges or curbs and fillings;

N. & C. R. R.
Co. agreement
to pave.
Ord. No. 8135,
A. S.
Nov. 9, 1882.

Cost per yard.

ART. 2123. Whereas, said company has agreed to pave 13,000 square yards of such places as the city may designate with such pavement, selected by the city, as shall not exceed in cost \$5.75 per square yard, said \$5.75 per square yard to include the cost of all new culverts, bridges, curbs or repairs or additions to old culverts, bridges or curbs and filling, and all alterations to or making of neutral grounds on Canal street;

Agreement to
pave at \$5.75
per yard.

ART. 2124. Whereas, new culverts, bridges, curbs and repairs and additions and filling are essential in laying said pavements;

New culverts
bridges, etc.,

ART. 2125. (1) That wherever the cost of pavement and new culverts, bridges, curbs, repairs, additions and filling shall exceed the above rates per square yard, the same shall be done and the number of square yards of pavement to be laid shall be reduced accordingly, it being understood that the sum of \$284,500 to be expended upon pavements, etc., by said company is not to be reduced or increased, but is to be expended upon pavements, culverts, bridges, filling, repairs, curbs and ad-

Only \$284,500
to be expended
by company.

Bills to be approved. conditions under contract, to the lowest bidder accepted by the city, all bids for said pavements, culverts, bridges, curbs, repairs, filling or additions to be paid when approved by the Administrator of Improvements and City Surveyor.

Turntable, Canal and Baronne streets. ART. 2126. (1) That until such time as the New Orleans & Carrollton Railroad Company shall be able to exercise their right to run their cars on the Claiborne Street Railroad Company's track on Canal street, said New Orleans & Carrollton Railroad Company shall have the right to use the turntable at the intersection of Canal and Baronne streets; and it is also agreed that when said company shall be in possession of the right to use said Claiborne Street Railroad Company's tracks it shall have the right to use said turntable on such holidays or days when the cars are obstructed on Canal street.

Pavement on Baronne and Jackson sts. ART. 2127. (1) That the New Orleans & Carrollton Railroad Company be and it is hereby authorized to pave the streets between its tracks on Baronne and Jackson streets with what is known as the Sapless Wyckoff wooden pavement.

Trails. ART. 2128. (2) That the Carrollton Railroad Company is authorized to transform the "T" rail now existing on Jackson street, to the satisfaction of the City Surveyor, by means of an iron chair without taking up the said "T" rail and substituting a new form of rail therefor.

Lines and levels. ART. 2129. (3) That all of the work herein provided shall be done under lines, levels and specifications to be furnished by the City Surveyor and subject to his approval and that of the Board of Health.

Wooden pavement. ART. 2130. (4) That at the expiration of the time for which the said wooden pavement is guaranteed, on thirty days' notice, the company shall substitute some other serviceable pavement in lieu of the wooden pavement, should said wooden pavement prove unsatisfactory according to the report of City Surveyor, or entirely reconstruct the said wooden pavement, as the case may be.

ART. 2131. (5) That the laying of said wooden pavement and the transformation of said "T" rail shall be completed on or before the 15th day of June, 1889, and in the event of failure to complete such work on the last day above mentioned, the company, in addition to other penalties now provided by law, shall forfeit twenty-five dollars per day for each and every day beyond the first day of May, 1889, to be recovered before any court of competent jurisdiction as liquidated damages.

Completion.
Ib.
Amended by
Ord. No. 380S,
C. S.

Penalty.

ART. 2132. (6) That in consideration of the grants and modifications herein made of its said contract with the city of New Orleans the Carrollton Railroad Company agrees to pay to the city of New Orleans the sum of twenty-five hundred (\$2500) dollars cash, the same to be used and appropriated by the city of New Orleans toward the pavement of the present unpaved portions of Jackson street, between St. Charles street and the river; and the said Carrollton Railroad Company shall further bind and obligate itself to lay, at its own expense, according to lines, levels and specifications to be furnished by the City Surveyor, upon any street that the city of New Orleans may designate, on or before the 1st day of July, 1889, five hundred square yards of the said Sapless Wyckoff wooden pavement, the same to be laid as an experimental test of the value of said pavement.

Consideration.
Ib.

ART. 2133. (7) That the railroad company be and is hereby required to enter into a contract before the City Notary with the city of New Orleans, accepting this ordinance and its provisions, and when duly executed said amended contract shall become a part of the original contract entered into on the 7th day of August, 1882, by virtue of Ordinances Nos. 7812, 7830, 7893, A. S.

Notarial con-
tract.
Ib.

ART. 2134. (8) That all ordinances or parts of ordinances in conflict with provisions of this ordinance be and the same are hereby repealed.

Repealing
clause.
Ib.

ART. 2135. (1) That the New Orleans & Carrollton Railroad Company is hereby authorized and empowered to operate its cars along the streets wherever it is now entitled to run a street railway by the overhead electric system.

Authorized to
operate over-
head electric
system.
Ord. No. 5847,
C. S.
Dec. 8, 1891.

- Poles. ART. 2136. (2) That the said road be authorized to
 Ib. erect and maintain poles of an ornamental character, to be made of iron or steel, on both sides of the streets whereon it has the right of way, at such points as the engineer in charge of their erection may determine, with the approval of the City Engineer, and to connect the poles on the opposite sides of said streets, and do whatever is necessary to place the wires properly to convey the electric current for the *propulsion of the cars*; provided, that wherever the said railroad operates its street railway along the neutral ground that the said road shall be confined to one line of poles to be placed on the neutral ground between the tracks.
- Speed. ART. 2137. (3) That the said railroad company shall
 Ib. run its cars from Canal street to the neutral ground on the upper side of Lee Circle at no greater speed than six miles an hour, and that it shall run its cars along the neutral ground from the upper side of Lee Circle to Carrollton and along the branch roads of the system at no greater speed than fifteen miles an hour.
- Power-house, ART. 2138. (4) That the said company shall have the
 Ib. right to erect power-houses with suitable appliances for the generation of electricity; and to connect the same with the wires upon their road, and shall be considered a part of the property and appurtenances that is to revert to the city at the expiration of said contract, as provided therein.
- Time of franchise. ART. 2139. (5) That the rights herein granted shall
 Ib. continue during the existence of the contract between the city and said railroad company.
- Cut or raise wires. ART. 2140. (6) That the said Carrollton Railroad Company shall, at the request of the Mayor, raise or temporarily cut their wires at the intersection of streets whenever occasion may require; also restore, to the satisfaction of the Commissioner of Public Works and City Engineer, the streets and highways disturbed in the prosecution of the work herein authorized.
- ART. 2141. (7) That upon the operation of the system herein the said Carrollton Railroad Company shall be and they are hereby required to place a conductor on

each motor car, with or without trailers, to collect fares, make change and care for the comfort and safety of passengers. The fare from Canal street and Carrollton shall remain as at present, say five (5) cents between Canal street and Napoleon avenue, and five (5) cents between Napoleon avenue and Carrollton, except to actual residents above Napoleon avenue. Provided, that the Carrollton Railroad Company shall agree to sell tickets in packages of ten (10) to any person, at fifty (50) cents a package, each of said tickets entitling the holder to one ride to and from Canal street to Carrollton or for any intermediate distance on said route, or to and from Carrollton to Canal street, or for any intermediate distance on said route, except between the hours of 12 o'clock P. M. and 4 o'clock A. M., when the fare shall be ten (10) cents in either direction.

Conductor.
Ib.
Amended by
Ord. No. 5969,
C. S.
Jan. 19, 1892.

ART. 2142. That the Carrollton Railroad Company shall not be required to stop their cars to receive or discharge passengers except at the far side of cross or intersecting streets, whether going up or down.

Stops.
Ord. No. 5347,
C. S.

ART. 2143. (1) That the work hereunder shall be commenced within three months and completed within nine months from the promulgation hereof, otherwise this ordinance shall be *ipso facto* null and void.

Work com-
menced and
completed.
Ib.

ART. 2144. That the privilege be and is hereby granted to the New Orleans & Carrollton Railroad Company to extend their tracks through the upper side of Carrollton avenue to Fifth street, up Fifth street to Upperline street, or protection levee, thence back on Fifth street to upper side of Carrollton avenue, and through upper side of Carrollton avenue to connect with tracks on St. Charles avenue, and that the City Surveyor is hereby authorized and instructed to give the lines and levels for this purpose.

Extending
tracks.
Ord. No. 6172,
C. S.
Mar. 22, 1892.

ART. 2145. (1) That the Comptroller be and he is hereby authorized and directed to advertise, according to law, and to sell at public auction, to the highest bidder, an extension of the franchise of the New Orleans & Carrollton Railroad Company, for twenty-five years, from the date of the expiration of its present franchises.

Comptroller
authorized to
advertise exten-
sion.
Ord. No. 6173,
C. S.
Mar. 22, 1892.

Consideration
1b.

ART. 2146. Provided, that the party or parties buying this franchise shall agree to expend for the same in improvements a sum of not less than one hundred and fifty thousand dollars, said improvements to consist in the paving with gravel of the wood side of St. Charles avenue, from its intersection with Louisiana avenue to the terminus of the present asphalt pavement, on the river side of St. Charles avenue, and shall furthermore agree to use any unexpended balance left over from the paving of St. Charles street to pave, under similar specifications, both sides of Jackson street from the terminus of the asphalt pavement to Tchoupitoulas street, and the short block between Tchoupitoulas street and the levee with Belgian blocks upon a concrete foundation. The whole work to be executed according to and in conformity with plans and specifications to be prepared by the City Engineer and to be submitted to the City Council for approval.

Completion of
work.

ART. 2147. Said work to be begun within three months 1b. from the date of adjudication of contract, and to be completed within twelve months thereafter.

Bids.

ART. 2148. Provided, furthermore, that any or all bids 1b. be subject to the acceptance or rejection of the City Council.

Accepting bid
of N. O. & Car-
rollton Rail-
road.
Ord. No. 6743,
C. S.
Sept. 27, 1892.

ART. 2149. That the Mayor be and he is hereby authorized and directed to enter into notarial contract with the New Orleans & Carrollton Railroad Company for an extension of the franchise of the New Orleans & Carrollton Railroad Company for a period of twenty-five years from the expiration of their present franchise, in accordance with the provisions of Ordinance No. 6178, Council Series, and as per specifications on file in the office of the City Engineer and published by the Comptroller, as per their bid of September 13, 1892.

Extending
tracks.
Ord. No. 6755,
C. S.
Sept. 27, 1892.

ART. 2150. That the privilege is hereby granted to tend their tracks on Napoleon avenue along the neutral ground of same across Tchoupitoulas street by a suita-

ble curve on Napoleon avenue, to reach their property located in square 86, all as shown on the chart annexed.

ART. 2151. (2) That the privilege is hereby granted to the New Orleans & Carrollton Railroad Company to lay a single track on the neutral ground of Carrollton avenue from Fifth street to Jeanette street, thence to Madison, and through Madison street to connect with their tracks on Fifth street, as also to Dublin street from Jeanette street, to connect with their tracks on Fifth street, all as shown on the accompanying plan.

Lay tracks on
certain streets.
Ib.

ART. 2152. (3) That all these tracks are to be constructed to lines and grades to be given by the City Engineer, and the construction of same as to kind of rails, style of construction and all material and workmanship are to be to the satisfaction of the City Engineer.

Lines and
grades.
Ib.

ART. 2153. That in the reconstruction of the tracks of the New Orleans & Carrollton Railroad Company around Lee Circle that they be located adjacent to the existing curb line of the sidewalk of the circle, in conformity with the plan adopted by the City Council. The existing pavement on that portion of the street now occupied by their tracks to be taken up and relaid at such grades and in such manner as directed by the City Engineer, and the necessary conduits for water, gutters, etc., to be constructed.

Tracks around
Lee Circle.
Ord. No. 8543,
C. S.
Jan. 2, 1894.

ART. 2154. That this work shall be done at the entire expense of the said New Orleans & Carrollton Railroad Company, and under the direction of and according to lines and levels to be given by the City Engineer.

Lines and
levels.
Ib.

ART. 2155. That permission be and is hereby granted to the New Orleans & Carrollton Railroad Company to remove from between their tracks and rails on Baronne street, between Canal street and Howard avenue, the existing wooden blocks and the planks between the tracks and rails on Jackson street, between the river and St. Charles avenue, and to replace this pavement with either Belgian block or vitrified brick, in lieu of asphalt, as being for the best interests of the public.

Permission to
remove wooden
pavement.
Ord. No. 9133,
C. S.
May 8, 1894.

ART. 2156. That whichever class of pavement is used

Specifications shall be laid on a base of six inches of concrete, and prior to the laying of the pavement the roadbed will be
 for new pave-
 ment. *Ib.* thoroughly ballasted with good, substantial material; gravel or hard ballast, sufficiently solid and firm, and of sufficient depth to thoroughly and securely maintain in permanent position the roadbed.

Thorough and substantial manner. *Ib.* ART. 2157. That the laying of this pavement and the placing of the tracks in proper condition to be done in the most thorough and substantial manner and to the entire satisfaction of the City Engineer.

Outside rails. *Ib.* ART. 2158. That on the outside of the outside rails of the tracks on Jackson and Baronne streets there will be placed on a base of concrete toothing stones, evenly and uniformly laid, and the joints filled with paving pitch.

Curves and switches at Liberty Place. Ord. No. 9892, C. S. Oct. 30, 1894. ART. 2159. That the City Engineer be and is hereby authorized to use such portions of Delta street end of Liberty Place as is necessary to allow of the construction of the necessary tracks for the passage of cars of the New Orleans & Carrollton Railroad around either end of said square to connect their tracks on the north side of Canal street with those on the south side, substantially as shown in the diagram prepared by the City Engineer, and herewith submitted; provided, that said railroad company shall bind itself to keep the grounds in proper condition hereafter and during the enjoyment of its privilege, as may be determined by the commissioners in charge.

Banquettes to be re-arranged. *Ib.* ART. 2160. (2) Provided, that said railroad company hereby binds itself to restore the Schillinger pavement that may be taken up for the laying of its tracks, and to rearrange the sidewalk so as to preserve the symmetry of Liberty Place to the satisfaction of the commissioners in charge thereof; and provided further, that said Carrollton Railroad Company shall obligate itself to furnish a supply of water for the sprinkling of Liberty Place.

Mayor authorized to contract. *Ib.* ART. 2161. (3) That the Mayor be and he is hereby authorized and directed to enter into notarial contract with the said New Orleans & Carrollton Railroad Company in accordance with the provisions of this ordinance.

ART. 2162. (4) That this ordinance shall take effect from and after its passage. Take effect.
Ib.

ART. 2163. That the City Engineer be and he is hereby directed to prepare plans and specifications for putting said intersection of Louisiana avenue and St. Charles avenue in proper condition and report the same to the Council. Repairs of
intersection of
Louisiana ave.
and St. Charles
street.
Ord. No. 11,609,
C.S.
Nov. 19, 1895.

ART. 2164. That as soon as the said plans and specifications have been approved by this Council that the Comptroller be and he is hereby directed to advertise for five (5) days, in the official journal, for bids for placing said intersection in proper condition according to said plans and specifications, and under the provisions of this ordinance the Council reserve the right to reject any or all bids. Bids.
Ib.

ART. 2165. That as soon as the above-mentioned work has been completed and accepted by the City Engineer and Commissioner of Public Works, that the said City Engineer and Commissioner of Public Works shall at once issue a certificate for the contractor and against the city of New Orleans for the full amount of the bill for the said work. Said certificate to be paid out of the permanent public improvement fund. Payment.
Ib.

ART. 2166. That as soon as the amount of said bill for said work is ascertained that the City Attorney be and he is hereby directed to enter proceedings in the proper court in the name of the city of New Orleans against the New Orleans & Carrollton and the New Orleans Traction Company to recover from said New Orleans & Carrollton Railroad Company and the New Orleans Traction Company each their proportion of said work; such proportion to be determined by the said City Engineer. City Attorney
to institute suit
against N. O.
& Carrollton R.
R. and N. O.
Traction Co.
Ib.

ART. 2167. That all ordinances and parts of ordinances that will conflict with the provisions of this ordinance be and the same are hereby repealed. Repeal clause.
Ib.

CANAL & CLAIBORNE RAILROAD COMPANIES.

SPECIFICATIONS FOR OPERATING AND CONSTRUCTING RAILROADS THROUGH OR UPON THE FOLLOWING-NAMED STREETS OR HIGHWAYS, WHICH ARE OCCUPIED BY TRACKS OF THE CANAL & CLAIBORNE RAILROAD COMPANIES.

Route—Canal
& Claiborne
Street Line.

1. Commencing at the intersection of Wells and Canal streets, on the north-side roadway, thence to the north side of the neutral ground at Decatur street, thence to the river-side avenue of the central ground of Claiborne street, thence to the east or lower side roadway of Elysian Fields, thence to Urquhart street, thence to Lafayette avenue, thence on the central ground of Lafayette avenue to the north or lake side of St. Claude street, thence to the west or upper side roadway of Elysian Fields street, thence to the lake side of the central ground of Claiborne street, thence to the north side of the neutral ground of Canal street, thence to Magazine street, and thence to the south roadway of Canal street to the starting point, the intersection of Wells and Canal streets.

Route—Canal
and Tulane
Street Line.

2. Commencing at the intersection of Wells and Canal streets, on the north roadway, thence to the north side of the neutral ground at Decatur street, thence to the centre of the neutral ground of Rampart street, thence to the south or upper side of the centre of Tulane avenue, thence to the station and Rocheblave street, thence to the north or lower side of Tulane avenue, thence to the centre of neutral ground of Basin street, thence to the south side of the neutral ground of Canal street, thence to Magazine street, and thence on the south roadway of Canal street to the starting point, the intersection of Wells and Canal streets.

Route—Girod
& Poydras
Street Line.

3. Commencing at the intersection of Front and Canal streets, thence to Girod street, thence to Liberty street, thence to South Poydras street, thence to lake side of the centre ground of Claiborne street, thence to the Canal street and Tulane avenue car tracks on Tulane avenue, thence to the station and Rocheblave street, and back on Tulane avenue to the river side of the central ground of Claiborne street, thence to Perdido street, thence to Carroll street, thence to Poydras street, thence to Fulton, and thence to the point of starting, the intersection of Front and Canal streets.

Extensions—
Tulane avenue.

1. The Canal & Claiborne Streets Railroad Company shall have the privilege of extending a double track from their present terminus at Rocheblave and Tulane avenue through Tulane avenue and such other street as may be designated by the City Council, except Canal street, to the Metairie Road.

Poydras street.

2. Of extending a double track on Poydras street from Claiborne to Broad street, on Broad street from Poydras to Tulane avenue, and thence to Rocheblave and Tulane avenue, their present station and terminus.

3. Of extending their tracks now on Liberty street from South Poydras street to Tulane avenue, and on Franklin street from Tulane avenue to North Poydras street, and on North Poydras street from Franklin to Liberty street.

4. Of extending their tracks from their present terminus at Urquhart and Lafayette avenue, on Urquhart street to Louisa, on Louisa street to St. Claude street, on the lake side of St. Claude street to Lafayette avenue.

5. Of extending their tracks on Elysian Fields street, on the east or lower side, from Urquhart to St. Claude streets. Partial extensions of these privileges to be made from time to time as in the company's judgment the additional service is required, with all the necessary turnouts, switches, turn-tables, etc., that may be necessary. Where new tracks or extensions are constructed or repairs to old tracks are made, the construction in roadways shall be flat, four (4) or five (5) inch wide steel or iron rails, fastened to stringers, or girder steel rails, with suitable fastenings, and top of rail to be flush with surface of roadways and kept so during the term of franchise. The stringers shall be held together with tie-rods where no granite pavements exist, and shall be well keyed and otherwise screwed to crossties. On the outer side of each rail shall be placed a three (3) by twelve (12) inch yellow pine plank on the streets where no pavements exist, the neutral and centre grounds excepted.

The company have the option of the above manner of construction in neutral and central grounds, or that of T steel or iron rails, spiked cross-ties.

The gauge shall be five (5) feet two (2) inches and five eighths ($\frac{5}{8}$) of an inch wide. The crossties shall be of the best quality of cypress or upland yellow pine eight feet long, not less than eight inches in width and six (6) inches in depth or thickness; they must be either sawed or hewed on two opposite sides, notched two (2) inches in depth for the insertion of the stringers, and their distance shall not be more than four (4) feet from centres. The notches or gains must not be rectangular, but must be trapezoidal, and the keys or wedges must be of cypress.

The stringers shall be of the best quality of milled cypress or upland yellow pine twenty feet in length, not less than twelve (12) inches in depth and five (5) inches in width. They shall be fastened to the crossties by keying and wedging with cypress wedges on their inner sides.

They shall be prevented from spreading at top, where there are no square block granite pavements, with tie-rods five-eighths ($\frac{5}{8}$) of an inch in diameter, having suitable lengths, heads, washers and nuts placed ten (10) feet apart.

The flat rails must rest on suitable chairs at their ends, and be spiked to the stringers with five (5) inch wrought iron spikes. Where T or girder rails may be used they must be firmly fast-

Liberty and
Franklin
streets.

Urquhart
street.

Elysian Fields
street.

Rails.

Stringers.

Gauge, cross-
ties.

Stringer.

Tie-rods.

Rails.

ened together with fish-plates and suitable bolts having heads, threads, washers and nuts, and be fastened to each crosstie with four usual spikes. The existing tracks in the above enumerated routes may be used, but must be put in good order after the manner of their present construction, and the said company shall maintain two feet of the street on the outer side of each rail tracks in good order and condition.

Bridges.

The street bridges, where crossed by the company's tracks throughout their routes, shall be placed in first-class order, and be kept so during the term of franchise.

The bridges over the Carondelet Navigation Canal and draining canals, when and where crossed by any of these lines, must be kept in good order and condition.

That over the Carondelet Canal shall be under the supervision of the Commissioner of Public Works, who shall see that it is opened and closed as commerce demands.

**Stables,
shops, etc.**

The expense of one bridge-keeper to be borne by the company. At the present termini the company will have the right of erection of all necessary stables, shops, car-houses, etc., necessary for operating the cars on the grounds which are or may be owned by the company.

Motors.

Mules or horses are to be the motors of these lines, and when upon the road they must be belled with the usual car bell, and not driven at a greater speed than six miles per hour. For any other motor the company must obtain special permission from the City Council.

**Lines and
grades.**

The company will have the right of all necessary turntables, turnouts, switches and sidetracks approved by the City Council. The lines and grades for any extension of tracks shall be furnished by the City Surveyor, and all construction for such during this franchise is to meet the approval of both the Commissioner of Public Works and the City Surveyor.

**Time sched-
ule for running
cars.**

The cars of the several lines must leave the stations or termini as follows:

1. Canal and Claiborne cars commencing at five (5) A. M. and continuing at intervals of time not exceeding five (5) minutes until eight (8) P. M.; then not exceeding fifteen (15) minutes until twelve thirty (12:30) A. M.

2. The Canal and Tulane avenue cars commencing at five (5) A. M. and continuing at intervals of seven and one-half (7½) minutes until eight P. M., and then every thirty (30) minutes until twelve (12) P. M.

3. The Girod, Tulane avenue, etc., cars commencing at five (5) A. M., continuing at intervals of fifteen (15) minutes until eight (8) P. M., then every thirty (30) minutes until twelve (12) P. M.

Cars.

The cars must be of the latest improved pattern, be kept clean, and provided with suitable signal and interior lights.

All cars of the various lines shall have the proper names of the streets painted thereon.

The fare between the termini or any intermediate point shall be five (5) cents, payable upon entering the car, between five (5) A. M. and twelve (12) P. M., and ten (10) cents between twelve (12) P. M. and five (5) A. M. Fare.

The purchaser shall in no event charge any company now permitted to run on Canal street tracks more than four (4) cents per mile traveled by each and every mule or horse before each and every car, or by each and every car without mules or horses. Trunk line charges.

All tracks now used by the company and not herein granted shall be taken up and the roadway restored to good condition.

The railroads, rolling stock, tracks, equipments and fixtures, station and real estates of the said Canal & Claiborne Street Railroad Company, or any addition or extension, shall revert to the city of New Orleans at the expiration of this privilege and franchise of twenty-five (25) years, on the payment of a price to be ascertained by valuations of two disinterested persons, one to be appointed by the contractor and the other by the city, and in the event of a disagreement as to the said valuation between said persons thus appointed, a third person or umpire shall be appointed by one of the district courts in the city of New Orleans, and his decision is to be final and binding. Reversion.

The rights and privileges herein granted and requirements exacted and agreements entered into shall continue during a period of twenty-five (25) years, commencing the eighth (8) day of May, 1887. That the Mayor be and is hereby authorized and instructed to sign a contract by notarial act with the purchaser of this franchise, for and in the name of the city of New Orleans, for the extension and delivery of the right of way to continue and operate and to construct the several roads, lines and turn-outs as herein mentioned. Term of grant.

(Extract from the minutes of the City Council, Dec. 20, 1887.)

That the bid of the Canal & Claiborne Railroad Company of \$55,000 cash, this day made by sealed proposals, in obedience to motion heretofore adopted by this Council, together with the specifications on which the franchise was advertised for sale, be and is hereby accepted, and the said company hereby agrees to hold the city harmless and entirely free from any pending litigation. Accepting bid.

ART. 2168. Whereas, the Council, at the last meeting held thereof, namely, on the 20th of December, 1887, on motion accepted the sealed proposal of the Canal & Claiborne Streets Railroad Company to purchase the right of way for operating and constructing a city rail-

road through and upon the hereinafter-named streets or highways of the city of New Orleans, said bid or proposal being in and for the sum of fifty-five thousand dollars cash, and based upon the public advertisement of the City Comptroller and upon the specifications on file in the Surveyor's office, said bid of fifty-five thousand dollars cash being the only proposal or bid made in response to and in compliance with the advertisement of the city, and a certified check for said amount of fifty-five thousand dollars having accompanied said bid, and being now in the possession of the city; and

ART. 2169. Whereas, it was further moved and adopted at said meeting that the Mayor be authorized and instructed to enter into and sign a notarial contract between the city of New Orleans and the said Canal & Claiborne Streets Railroad Company, in compliance with the specifications, public advertisement and bid hereinbefore recited; and

ART. 2170. Whereas, the Mayor has now communicated to the Council that he has approved said motion, and the City Notary having drawn up the necessary notarial contract, adjudicating the right of way to said Canal & Claiborne Streets Railroad Company on Wells, Canal, North Claiborne, Elysian Fields, Urquhart, Lafayette avenue, St. Claude, South Rampart, Tulane avenue, Rocheblave, South Basin, South Front, Girod, Liberty, South Poydras, South Claiborne, Perdido, Carroll, Poydras, Fulton, Broad, Franklin, North Poydras and Louisa streets, all in accordance with the resolution adopted at the meeting of the Council held on the 20th of December, 1887, and a printed copy of said contract having been placed upon the desk of each member of the Council, in accordance with Ordinance No. 1175, Council Series, adopted March 24, 1885; therefore, be it resolved,

Contract approved.
Ord. No. 2698,
C. S.
Jan. 10, 1888.

ART. 2171. That said contract, as drawn up by the City Notary in accordance with the resolution of December 20, 1887, and the specifications on file in the City Surveyor's office, be and the same is hereby approved, and the Mayor be and he is hereby authorized to sign said

contract on behalf of the city of New Orleans; provided, the said company will accept all responsibility of any suit by the Orleans Railroad Company against the city in reference to the use of the tracks of the Canal & Claiborne Streets Railroad Company on Canal street, and shall make no other charges against said Orleans Railroad Company for the privilege of its running over and using the trunk line of tracks on Canal street than those now stipulated and specified in the notarial contract now existing between said two railroad companies.

Responsibility.
Ib.

EXTENSION OF FRANCHISE.

ART. 2172. That the Comptroller be and is hereby authorized and directed to advertise, according to law, and to sell in block, at public auction, to the highest bidder, for cash, an extension of the following-described railway franchises now owned by the Canal & Claiborne Railroad Company, for a term of fifty years from the date of the expiration of the said company's existing franchise, and all the authorized extensions of routes herein for the unexpired term of said existing franchise, in addition to the extensions of fifty years above mentioned, upon the following terms, conditions, specifications and with the following additions and modifications of routes; provided, however, that all bids shall be subject to rejection by the City Council.

Comptroller
to advertise.
Ord. No. 11,369,
C. S.
Sept. 24, 1895.

ART. 2173. The right to construct, maintain and operate for fifty years from the 8th day of May, 1912, lines of street railways for carrying passengers as now owned by the Canal & Claiborne Railroad Company, with all the authorized extensions of routes, which authorized extension of routes are also included for the unexpired term of the present franchise, with the changes and modifications more accurately and fully described as follows:

Route.

Ib.

(1) Commencing on Delta, near intersection of Delta and Canal streets, to the north side roadway of Canal street, thence to the north side of the neutral ground at Wells street; thence to the river side avenue of the central ground of Claiborne street; thence to the east or lower

Canal and
Claiborne street
Railroad.
Ib.

side roadway of Elysian Fields; thence to Urquhart street, thence to Lafayette avenue; thence on the central ground of Lafayette avenue to the north or lake side of St. Claude street; thence to the west or upper-side roadway of Elysian Fields street; thence to the lake-side avenue on the central ground of Claiborne street; thence to the south side of the neutral ground of Canal street; thence to South Front street; thence to the south roadway of Canal street to the starting point on Delta, near the intersection of Delta and Canal streets, with the privilege of extension on street or neutral ground of St. Claude street, with double tracks from Elysian Fields or Lafayette avenue to Alabo or Gordon street, to North Peters or river front, to the parish line at St. Bernard, over existing tracks wherever it may be necessary, back through Hancock street to St. Claude street; of extending their tracks from their present terminus of Urquhart and Lafayette avenue, on Urquhart street to Louisa, on Louisa street to St. Claude street, on lake side of St. Claude street to Lafayette avenue; of extending their tracks on Elysian Fields street, on the east or lower side, from Urquhart to St. Claude street; of extending with double tracks on Bayou Road from Claiborne street to Gentilly Road; thence along Gentilly Road to People's avenue; of extending with double tracks from Elysian Fields street on St. Claude street to St. Bernard avenue; thence with a single track on St. Bernard to Marais; thence on Marais street to Hospital street; thence on Hospital street to St. Claude street; and the other track continuing on St. Claude to Hospital street, joining together in a double track on St. Claude to St. Peter street; on St. Peter to Basin; on Basin on neutral ground where practicable to Canal street to connect with existing tracks.

Canal and
Tulane Avenue
Railroad.

ART. 2174. (2) Commencing on Delta, near the intersection of Delta and Canal streets, on the north roadway of Canal street, thence to the north side of the neutral ground at Wells street, thence to the neutral ground of Rampart street, over existing tracks, thence to the north or lower side of the centre of Tulane avenue, thence to

the station at Rocheblave street, thence to the south or upper side of the centre of Tulane avenue, thence to the centre of neutral ground of Rampart street, thence to the south side of the neutral ground of Canal street, thence to South Front street, and thence on the south roadway of Canal street to the starting point, on Delta near the intersection of Delta and Canal streets, with privilege of extending with double tracks from their present terminus at Rocheblave and Tulane avenue through Tulane avenue on neutral ground to be established on Tulane avenue to Carrollton avenue, from Galvez street to Carrollton avenue, thence on river side of Carrollton avenue to Bienville street, thence over existing tracks or roadbed on Bienville street to the Metairie road, on Metairie road over existing tracks or roadbed on Metairie road to a point near the bridge over the New Orleans Navigation Canal at the intersection of the Metairie road with the said New Orleans Navigation Canal, and on Hennessey or Murat streets, with double tracks, from Bienville street to the Metairie road, with privileges of extending with double tracks on Carrollton avenue on neutral ground from Tulane avenue to river front.

ART. 2175. (3) Commencing at the intersection of South Front and Canal to Poydras street, thence with single track on Poydras street to Fulton street, thence with a double track on Poydras street to Baronne street, thence over existing tracks on Baronne street to Lafayette street, thence with a double track on Lafayette street to Claiborne, thence on Claiborne neutral ground to Tulane avenue, thence with a track on each side of the market on Claiborne avenue, on the street, to Canal street, lower side, connecting with existing tracks, with a single track on Fulton street, from Poydras street to Canal street, and Canal street, upper side, to South Front street, with privilege of extending on Lafayette street or Poydras street, with double tracks from Claiborne street to Broad street, and thence on Broad street to Tulane avenue, to connect with existing tracks. The exercise of the hereinbefore enumerated privileges and

Canal and
Poydras Street
Railroad.

options, extensions, modifications and change of route, construction and operation thereunder, viz.: of extending on Gentilly road from the Fair Grounds to People's avenue may be made, in whole or in part, at such times during the term of the existing and extended franchise as in the judgment of the Canal & Claiborne Railroad Company may be requisite, while the exercise of the other hereinbefore enumerated privileges and options, extensions, modifications and change of route, constructions and operation thereunder may be made, in whole or in part, at such times within five years from the date of the signing of the contract with the city of New Orleans for the purchase of the extended franchise, as in the judgment of the Canal & Claiborne Railroad Company may be requisite, with all the turnouts, switches, turntables, etc., that may be necessary; provided, that if any portion or part of the roadways herein provided for are not constructed or reconstructed within the period of years hereinbefore specified the grantee shall forfeit the right to build the same and the franchise herein granted shall be declared to that extent forfeited.

Terms, conditions, etc.

1. The bids shall be in current money of the United States, payable in cash, on the signing of the notarial contract hereinafter provided for.

Assumption of reversion.

2. Inasmuch as the railroads above described, together with cars, fixtures and other appurtenances, are to revert to the city at the expiration of the present franchise of the Canal & Claiborne Railroad Company at an appraised value, to be ascertained as provided in said contracts, the purchaser or purchasers of the extension herein provided for agrees to assume said obligation, and pay the price that may be ascertained, in her stead, in addition to the regular bid. Should the present owner, the Canal & Claiborne Railroad Company, or her successor or assigns, become again the purchaser of these franchises, then the city shall be relieved of the obligation to acquire the property, subject to above right of revision, and the ownership of the said Canal & Claiborne Railroad Company, or assigns, shall continue uninterrupted.

3. Every bidder for the purchase of said franchise shall, as a condition precedent to the receiving of such bid by the City Comptroller, deposit with the City Treasurer in cash, the sum of fifty thousand dollars (\$50,000), and shall, at the time of bidding, file receipt therefor with the City Comptroller, showing that he has made such deposit. The deposits of all unsuccessful bidders shall be immediately returned to them; that of the highest bidder shall be held as security that he will sign the contract in case his bid is accepted by the City Council, and pay the amount of his bid; and in case of the failure of the successful bidder to sign the said contract and pay the amount of his bid, if accepted by the city, said fifty thousand dollars (\$50,000) shall be forfeited to the city as liquidated damages.

Qualifications
to bid.

4. The successful bidder shall be required, within twenty days of the acceptance of the bid by the City Council, to enter into notarial contract before the City Notary, with the city of New Orleans, embodying all the terms and stipulations of this ordinance.

Contract and
bond.

5. The motive power shall be the trolley system of electricity or any other improved system of rapid transit, except steam, that may be hereafter approved by the Council.

Motive power.

6. All of the above lines of railroad shall on neutral ground space be constructed with T or girder rail, and on paved or unpaved streets with girder or other improved form of rail that may be approved by the City Engineer, laid on cypress or oak ties, sound and free from sap, not less than five feet by eight inches by seven inches and not over three feet between centres, so as to make said lines of road first class in every respect. All pavements taken up for construction purposes on paved streets shall be relaid in same good order and condition as they were before. On unpaved streets the space between the tracks and one foot on each side of the rails shall be paved with tram and bond planking not less than three feet thick. On neutral ground no pavement shall be required. The purchaser of this franchise shall be obligated to pave on Tulane avenue

Reconstruction.

with Belgian block upon a concrete base between the tracks of the company and one foot from the rail on each side from Rampart street to Galvez street. All work to be done according to lines and levels to be furnished by the City Engineer.

Cars. 7. The cars shall be of the latest improved pattern and finish, and shall at all times be kept clean and neat and in good condition, and shall be provided with ventilators on the roof.

Poles. 8. All poles shall be of iron on Canal street, Poydras street, Tulane avenue from Rampart street to Claiborne street, Rampart street, Basin street, St. Claude street, west of Elysian Fields street, Lafayette street and Baronne street, all others to be of wood, of neat design, to be approved by the City Engineer, strongly and firmly set. They shall be painted and shall be located by the City Engineer.

Wires. 9. All wires shall be tightly strung and fastened, and except trolley and span of supporting wires well insulated.

Time of running cars. 10. Cars shall be run as often as purchaser may deem proper, but not at greater intervals than one every ten minutes from daylight to 10 P. M., one every fifteen minutes from 10 P. M. to midnight, and one every hour thereafter.

Fares. 11. The fare shall be five cents for continuous ride of any distance between terminals in one direction, except from 12 o'clock midnight to 5 o'clock A. M., during which time the fare shall be ten cents.

Care of streets. 12. The purchaser, or his assigns, shall during the continuance of these franchises, keep in good order and repair all streets through which these lines run between the rails and for one foot on each side of the said rails.

Railroad crossings. 13. At points where these tracks cross other tramways or steam railroad tracks, crossings shall be constructed of steel, made in such manner as to form a continuous rail for each rail of each track. Plans of such crossings shall be submitted to and approved by the City Engineer, and the cost and maintenance thereof shall be governed by the provisions of Ordinance No. 6547, C. S.

14. The speed of cars shall not exceed fifteen miles per hour, except on neutral ground, where it may be twenty-five miles per hour. Speed.

15. The purchasers shall be obligated immediately and with all due diligence to construct, reconstruct, re-equip and operate all the above lines of railroad, in accordance with the above specifications, modifications and additions, except as herein provided for. Such work of construction and reconstruction shall begin within ninety days after the signing of the contract with the city, or the assignment thereof by the purchaser, and shall be completed within time mentioned in these specifications. If the said company is not the purchaser, or does not become the assignee of the purchaser, then and in that case the purchaser shall be compelled to begin within ninety days such work only, and to construct, operate and maintain the same as provided in the specifications, and as comprised in the extended routes and new lines provided for in this ordinance: and such purchaser in such event shall be bound to assume and to comply with the obligations of the city of New Orleans toward the Canal & Claiborne Railroad Company upon the expiration of its present franchise as provided by existing ordinances. Purchase of the
Canal and
Claiborne R.
R. Co.

And in the event that the Canal & Claiborne Railroad Company becomes the purchaser or the assignee of the franchises herein provided for, then and in that case, in order to secure the immediate construction and operation of the new lines of street railway, to secure more rapid and better service to the public and to secure the extension of existing lines as herein provided for at once, the said Canal & Claiborne Railroad Company shall have the right to construct and maintain and operate at once any and all lines as herein specified and shall not be compelled to maintain and operate any other than those herein provided; and the said company is released and relieved from the maintenance and operation of street railway upon any other routes or upon any other streets than such as are provided for in the extended franchise; "where existing lines of straight track are

not reconstructed the purchasers of the extended franchise shall remove rail and replace that portion of street paving in first-class condition."

Reversion of
property.

16. At the expiration of the aforesaid franchise, to-wit: on the 8th day of May, 1962, the said railroad tracks, rolling stock, equipment, fixtures, real estate, barns, structures shall revert to the city of New Orleans, on a valuation to be ascertained by two disinterested persons, one to be appointed by the city of New Orleans and the other by the purchaser, or his assign; and in the event of a disagreement between the said persons thus appointed as to said valuation a third person or umpire shall be appointed by the Civil District Court or its lawful successor, and the decision of said umpire shall be final.

Compensation
to other roads.

17. Whenever any part of these franchises run over the existing lines of any other company the purchaser shall pay the owner of such lines one-half the cost of constructing the same, and shall further pay proportionate cost of maintenance, based upon the number and character of cars operated over said tracks, as compensation for the use of said tracks. And whenever trolley poles and span wires are already in use on streets traversed by these lines, the purchaser of these franchises shall not erect new poles and span wires, but shall use those already erected on paying therefor one-half the cost of construction and one-half the cost of maintenance.

Switch track.

18. The purchaser shall have the right to construct, maintain and operate switch tracks or connection with any of the steam roads entering the city of New Orleans, crossed by its track for the transportation of coal over its tracks to the power-house, or construct, maintain and operate a switch track through such streets as may be designated by the Council for the above purpose.

Trimming
trees.

19. The purchaser or assignee shall have the right and privilege to trim trees along its various routes, or cut the same, as the exigency of the service may require, under the supervision of the City Engineer.

20. The purchaser of said franchise shall have the

right to assign and convey the same, or any portion thereof to any person or corporation competent to hold and exercise the same. Right to assign.

Should any unpaved street through which the purchaser of this franchise should operate be ordered paved by the City Council, the purchaser of this franchise shall pay their *pro rata* of cost of paying between the rails and twelve inches on the outside of each rail.

ART. 2176. Whereas, by the contract of franchise entered into between the city of New Orleans and the Canal & Claiborne Railroad Company, on the 30th day of December, 1887, in pursuance of the resolution of the City Council, approved 22d December, 1887, and confirmed by Ordinance 2698, C. S., the various lines were made to start from intersection of Wells and Canal streets, and in the fifth specification of the contract the gauge was fixed at 5 feet 2 inches and $\frac{3}{8}$ of an inch in width, and the tracks of the said railroad company have been laid and constructed upon said gauge; and Rearranging tracks from Wells to Magazine street. Ord. No. 11,229, C. S. Sept. 3, 1895.

Whereas, the requirements of the public convenience and better carrying out of said contract in its entirety by the said railroad company demand that the said railroad company shall be authorized and permitted to change and alter said gauge, to run their cars to Delta street; and for the benefit of commerce that the tracks now located in the middle of the roadway from Magazine to Wells street, on south side of Canal street, and from Wells to Decatur street on the north side of Canal, be rearranged and located under plans and specifications of the City Engineer; and Change of gauge. Ib.

Whereas, it is conducive to the public convenience and to the better carrying out of said contract that the said railroad company be permitted to make alteration in the gauge of its tracks and run its cars to Delta street, and to rearrange their tracks.

ART. 2177. That the said Canal & Claiborne Railroad Company, in consideration of their acceptance and willingness to conform to the plans and specifications of the City Engineer, in the rearrangement of their tracks, and its removal from the centre of the roadway, from

Change of
gauge.

Magazine to Wells street, on the south side, and from Wells to Decatur street, on the north side, as per plans attached, with all the sidings and switches necessary, be and are hereby authorized, empowered and permitted to change the gauge of its tracks to the standard gauge, viz.: The width of 4 feet 8½ inches upon such portion of the route included in its franchise as may to the said railroad company be deemed necessary and convenient to the purposes of its business in the carriage of passengers, and to retain the original gauge in such portions of its route as may not, for the purposes of its business, require alteration; and that they be permitted and are hereby authorized and empowered to run their cars on Canal street to Delta street.

Designating
streets on Tu-
lane Avenue
line, through to
Metairie Road.
Ord. No. 11,405,
C. S.
Oct. 1, 1895.

ART. 2178. By the contract of franchise entered into between the city of New Orleans and the Canal & Claiborne Railroad Company on the 30th day of December, 1887, in pursuance of the resolution approved December 22, 1887, and confirmed by Ordinance 2698, C. S., the Canal & Claiborne Railroad Company has the right and privilege expressed in section 1, Article 3, of said contract, of extending a double track from their present terminus at Rocheblave and Tulane avenue, and such other streets as may be designated by the City Council, except Canal street, to the Metairie road.

Route from
terminus on
Tulane avenue.
ib.

ART. 2179. That in pursuance of the provisions of section 1, Article 3, of the contract between the city of New Orleans and the Canal & Claiborne Railroad Company, entered into on the 30th day of December, 1887, and confirmed by Ordinance 2698, C. S., that the following streets are hereby designated: With a double track from their present terminus at Rocheblave and Tulane avenue, through Tulane avenue to Carrollton avenue, on river side of Carrollton avenue to Bienville street, over existing tracks of roadbed on Bienville street to the Metairie road, on Metairie road, over existing tracks or roadbed on Metairie road to a point near the bridge over the New Orleans Navigation Canal, at the intersection of Metairie road with the said New Orleans Navigation Canal, and on Hennessy or Murat

street, with double tracks from Bienville street to the Metairie road.

NEW ORLEANS CITY & LAKE RAILROAD.

ART. 2180. Whereas, the city of New Orleans has obtained judgment against the New Orleans City & Lake Railroad Company compelling said corporation to put and keep in proper condition the streets through which its tracks pass within the city limits, as enunciated in 42 An. 550, and affirmed by the Supreme Court of the United States, as reported in 157 United States Reports, p. 219;

City Attorney
to enforce and
execute judgment.
Ord. No. 11,403,
C. S.
Oct. 1, 1895.

Whereas, said corporation furnished a bond of appeal in that case to the amount of \$100,000, conditioned that it would comply with whatever judgment should be given.

Whereas, said corporation has not at all complied with said judgment, although rendered over six months ago; therefore, be it resolved,

ART. 2181. That the City Attorney be and he is hereby directed to enforce and execute said judgment as provided for by section 2 of Act 133 of 1888, without further delay; and to report the results of his action in the premises to the Council as early as possible.

City Attorney
to execute judgment.

Levee and Barracks Line.

ART. 2182. (1) That the adjudication by the Comptroller, pursuant to Ordinance No. 6033, of the "right of way to establish a railroad on New Levee street, from Canal street to Delery street, and other purposes," to the New Orleans City Railroad Company—securities, Messrs. Hart, Wintz and P. Irwin—for the bonus of ninety-six thousand dollars, be and the same is hereby approved, the securities accepted and the Mayor authorized to enter into contract, per act before the City Notary, for the faithful performance of the contract, in conformity with the terms and conditions of the aforesaid Ordinance No. 6033, approved May 8, 1862.

Sale of privileges and right of way.
O. S. 6053.
June, 1862.

ART. 2183. (1) A double track railway, commencing on the neutral ground on Canal street at its junction

Route,
O. S. 6033.
May, 1862.
O. S. 6033.
June, 1862.
O. S. 6122.
Aug. 4, 1865.
O. S. 6105.
Jan., 1866.
May, 1866.
N. S. 67.
N. S. 490.
March, 1867.
N. S. 606.
June, 1867.
N. S. 1506.
July, 1869.

with Magazine and Old Levee streets, thence to extend as follows: The left-hand or down track to be laid up Canal street to New Levee street, down New Levee street to Lafayette avenue, down Lafayette avenue to Royal street, down Royal street to Bartholomew street, down Bartholomew street to a junction with the present right-hand track on Dauphine street, down said track on Dauphine street to Caffin's lane, up Caffin's lane to Levee street, down Levee street to Delery street, down Delery street to Dauphine street, thence up the present track on Dauphine street to Poland street, down Poland street to Rampart street, up Rampart street to Mazant street, up Mazant street to Chartres street, up Chartres street to Lafayette avenue, up Lafayette avenue to Levee street, up Levee street to Canal street, and thence down Canal street to the neutral ground at the intersection of Magazine street.

Tracks, rails,
materials, etc.
O. S. 6031.
May, 1862.

ART. 2184. (1) The contractor shall be bound to construct through and in the centre of the above-named streets, within the time specified, double-track railroads. The tracks shall be five feet two and five-eighths inches gauge. The rails shall be of the same pattern as those used on the Camp, Magazine and other city railroads. The material for the construction of the roads shall be of the best quality and shall have the following dimensions, to-wit: The crossties shall be of yellow pine, six by eight inches, and eight feet long, and the string pieces of yellow pine, five by eight inches. The paving of the streets, where the same are already paved, shall be taken up, the streets shall be graded to the grades to be established by the City Surveyor, and shall receive a layer of four inches of London gravel, which shall be perfectly well rammed until it forms a hard foundation, and the crossties shall then be laid at distances of two feet apart. On the top of the said crossties shall be placed the string pieces, and on top of said string pieces the iron rails shall be placed. The rails shall not weigh less than forty-five pounds to the yard. The paving of the streets shall then be relaid by the contractor in the best workmanlike manner and to the entire satisfaction

of the City Surveyor. Wherever the streets are not yet paved, the lines of the tracks within the rails shall be paved either with round stones or with four by five inch scantling in the best workmanlike manner, and the space between the lines of tracks and the gutters of the streets shall be planked with yellow pine planks three inches thick, laid on stringers four inches thick by eight inches wide; the timber used as above mentioned to be of the first quality, and to the entire satisfaction of the City Surveyor.

ART. 2185. The cars shall be of the same description as those now used on the other city railroads. They shall be drawn by horses or mules, and if more than one horse or mule be used for each car they shall be driven abreast. The cars shall be run as often, per day and night, as the contractor may deem proper, but not at greater intervals than every ten minutes, from daylight until 10 o'clock P. M., and every thirty minutes from 10 P. M. until midnight. The speed of the cars shall not exceed six miles per hour. All cars that may be run on said railroads, between sunset and daybreak, shall be provided with a good and ample head and rear light, placed in a conspicuous place and position on the outside of the cars, and for the violation of this or any ordinance now existing, or that may hereafter be enacted, on the part of any officer or employee on said roads, the contractor shall be liable to a fine of twenty-five dollars for each and every offence, besides all damages arising therefrom.

Cars, etc.

Speed.

Lights.

Penalty.

ART. 2186. The contractor shall be bound to keep in good repair and condition, during the continuance of his privilege, the paved and unpaved streets through which the said tracks pass, as well as the bridges on said streets; and should the contractor refuse or neglect to keep said bridges in good repair and condition, the city shall have the right to cause said streets and bridges to be repaired at the expense of said contractor; and in the event of his refusal to pay for same the amount shall be recoverable before any court of competent jurisdiction, for the benefit of the city.

Streets to be kept in good order.

Commence-
ment and com-
pletion of road.

ART. 2187. The said roads shall be commenced within six months after the termination of the war with the United States, and shall be completed one year after.

Sufficient cars.

ART. 2188. The contractor shall be bound to furnish and place and keep on said roads a sufficient number of passenger cars, to be drawn by horses or mules, as aforesaid, so as to make trips up and down said roads as hereinbefore required; and shall also provide for all materials, labor, etc., required for the construction and maintenance of said roads.

To open Mon-
tegut street.
O. S. 6033.
May, 1862.

ART. 2189. (1) The city of New Orleans shall be bound, immediately after the approval of the contract, to institute legal proceedings for the opening of Moreau street, from St. Ferdinand to Montegut street, and for the widening of Levee street, from Poland street to the lower limits of the property belonging to the Ursuline nuns, the costs of opening and widening said streets to be paid by the city of New Orleans.

See Ordinances 144 and 247, New Series.

City not re-
sponsible
O. S. 6033.
May, 1862.

ART. 2190. (2) The city of New Orleans shall not be responsible for any work or materials furnished these roads; and every outlay and expense thereon, either for the construction, repairs or any other expense, of whatever kind, shall be borne by the contractor.

Security.

ART. 2191. (3) The contractor shall furnish good and solvent security, satisfactory to the Common Council, in the sum of ten thousand dollars, to guarantee the faithful performance of his contract.

Fare.

ART. 2192. (4) The fare between Canal and Delery streets, or for any distance between these points, shall not exceed five cents either way.

Annual tax.

ART. 2193. (5) The contractor shall pay annually into the City Treasury, upon the assessed value of said roads and fixtures, the annual tax levied upon real estate, and the value of said road and fixtures shall be assessed by the usual mode of assessment.

Right of rever-
sion.

ART. 2194. (6) The said railroads, cars, fixtures and their appurtenances shall revert to the city at the expiration of said twenty years' privilege on a valuation to be ascertained by two disinterested persons, one to be

appointed by the contractor and the other by the city, and in the event of a disagreement as to said valuation between said persons thus appointed, a third party or umpire shall be appointed by one of the district courts, the decision thereby had to be final.

ART. 2195. (7) That permission be and is hereby granted to the New Orleans City Railroad Company to construct a double track railroad from the terminus of the Levee and Barracks Road, on Delery street, over the levee, road or street to the Crescent City Live Stock Landing and Slaughterhouse Company's premises; provided, that said railroad is constructed under the supervision of the Administrator of Improvements and the Surveyor of the city of New Orleans.

To construct
double tracks
on Delery
street.
A. S. 1682.
July, 1872.

ART. 2196. (8) That the said railroad company shall keep the streets over which the extension is to be made in good repair from curb to curb; and it is well understood that the city does not agree to purchase said extension either before, on or after the expiration of the privilege on any terms.

Streets to be
kept in good
order.

CAMP AND PRYTANIA, CAMP AND MAGAZINE, RAMPART AND DAUPHINE; CANAL, METAIRIE ROAD AND BAYOU ST. JOHN, ESPLANADE AND BAYOU BRIDGE LINES.

ART. 2197. (1) That in consideration of the bid of the New Orleans City Railroad Company, of \$630,000, for the franchises and right of way of the following city railroads, to-wit: Camp and Prytania, Camp and Magazine, Rampart and Dauphine, Canal street and Metairie road and Bayou St. John, Esplanade and Bayou Bridge, was the highest; and in further consideration, that the said company agree to pay the amount of their said bid in cash; that the said franchise and rights of way be and they are hereby adjudicated to said company, and that the Mayor be authorized and instructed, on payment of said amount, to sign a contract with the said New Orleans City Railroad Company, by notarial act, before the City Notary, for the sale and delivery of said franchises, according to specifications on file in the office of the Administrator of Commerce.

Sale of franchises and contract for right of way.
A. S. 6148.
Oct., 1879.

Notarial act
of transfer by
the Mayor.
A. S. 6148.
Oct., 1879.

ART. 2198. (1) That in consideration of the foregoing, and by virtue of the power in him vested by the resolution, No. 6148, A. S., the said Mayor, I. W. Patton, declared that he does by these presents, in his said capacity and for and on behalf of the city of New Orleans, grant, bargain, sell, convey, transfer, assign and set over unto the said New Orleans City Railroad Company, the said Frederick Wintz, as president aforesaid, accepting and purchasing for and in the name of the said New Orleans City Railroad Company, and acknowledging due delivery and possession of all the property, cars, fixtures and other appurtenances thereunto belonging or in anywise appertaining:

ART. 2199. The right of way and franchises on the following railroads, to-wit:

Routes.

(a) Camp and Prytania and Camp and Magazine streets lines, for the full term and period commencing on and to be computed from the third day of February, 1880, and to end on the first day of January, 1906.

(b) Rampart and Dauphine, Canal and Metairie Ridge to Bayou St. John, and Esplanade and Bayou Bridge lines, for the full term and period commencing on and to be computed from the second day of July, 1880, and to end on the first day of January, 1906.

To have and to hold the said right of way and franchises of the said railroad lines, and the right of reversion of the city to purchase all the property of each line, unto the said New Orleans City Railroad Company, its successors and assigns, transferees and vendees, for the full term and period hereinabove fixed and determined by these presents.

Specifica-
tions.

ART. 2200. (2) This sale is made and accepted in accordance with the specifications on file in the office of the Administrator of Commerce, which said specifications are in the words and figures following, to-wit:

Specifications concerning the sale of the right of way and franchises, for a term of years expiring on the first day of January, 1906, as per Ordinances Nos. 4968 and 5020. Administration Series, hereunto annexed, of the following

street railroads of the New Orleans City Railroad Company, to-wit:

SECTION FIRST.

Camp and Prytania streets line, Camp and Magazine streets line.

SECTION SECOND.

Rampart and Dauphine, Canal street and Metairie road to Bayou St. John, Esplanade and Bayou Bridge. the Camp and Prytania, Camp and Magazine, and Rampart and Dauphine street lines expire on the third day of February, 1880. (See Ordinance No. 4945.)

The Canal street and Metairie road, and the Esplanade and Bayou Bridge lines expire on the second day of July, 1880. (See Ordinance No. 5244.)

The above-mentioned roads run on the following streets:

The Camp and Prytania and Camp and Magazine Lines..

ART. 2201. Three tracks on Canal street from St. Charles to Camp street; single track on Canal street, from Magazine to Camp street; single track on Magazine, from Canal street to St. Andrew street; double track on Magazine, from St. Andrew to Toledano street, double track on Prytania, from Poeyfarre to Toledano street; single track on Camp street, from Poeyfarre street to St. Andrew street; single track on Poeyfarre street, from Magazine to Camp street; single track on Toledano street, from Camp to Prytania street. As amended August, 1879, A. S. 6109, and June, 1881, A. S. 7127.

Rampart and Dauphine Street Lines.

ART. 2202. Double track on Rampart street, from Canal street to Esplanade street; a single track on Dauphine street, from Esplanade to Poland street; a single track on Rampart street, from Esplanade to Poland street; a double track on Dauphine street, from Poland street to Caffin's lane; a single track on Dauphine street, from Caffin's lane to Delery street, with the right of a double track.

Canal Street and Metairie Road to Bayou St. John.

ART. 2203. A double track on Canal street, from Carondelet street to Metairie road, along Metairie road to New Canal; four tracks on Canal street, from St. Charles to Carondelet street; double track on Metairie Ridge from New Canal to Carondelet Canal, or Bayou St. John.

Esplanade and Bayou Bridge Lines.

ART. 2204. Double track on Esplanade street, from Rampart street to Bayou St. John; double track on Esplanade street, from Levee to Rampart street. (See Ordinance No. 2518.) [All these rights revert to the city at the expiration of the twenty years, to-wit: from the third day of February and the second day of July, 1880.

Subject to the following terms and conditions, to-wit:

To pave streets
and keep in
order,

(a) The purchaser or purchasers shall be bound to keep the paved and unpaved streets through which said tracks pass, as well as all the bridges on said streets, in good repair and condition from curb to curb, during the continuance of their privilege and right of way.

Intersections.

(b) They shall, on proper notification from the Administrator of Improvements and the City Surveyor, raise, repair and repave any and all intersections of streets when required, upon lines and levels to be furnished by the City Surveyor.

To widen and
deepen culverts
and sluices and
build bridges.

(c) They shall be required to widen and deepen any or all culverts and sluices, to such dimensions as may be required and directed by the City Surveyor. They shall be required to keep all bridges in repair and make new ones when required by the Administrator of Improvements and the City Surveyor, on all the streets through which their lines pass.

Tracks to be
paved.

(d) The lines of said tracks within the rails shall be paved with round stone, except where square stone pavements exist or may hereafter be made, in which case the material shall be used for paving within rails. When the paving of the streets, where the same are

paved, as well as the shelling of the streets, where the same are shelled, shall be taken up for the purpose of repair, they shall be replaced in the same condition as formerly, and the streets graded to a proper grade, to be furnished by the City Surveyor. Wherever the streets are not yet paved the lines of the tracks within the rails shall be paved with either round stones or with four by five inch scantling, in the best workmanlike manner, and the space between the lines of track and the gutters of the streets shall be planked with yellow pine planks, three inches thick, laid on stringers four inches thick by eight inches wide; the timber used to be of the best quality, and to the entire satisfaction of the Administrator of Improvements and City Surveyor. The rails shall be of the same pattern as those now in use. The crossties shall be of yellow pine, six by eight inches, and eight feet long; the string pieces of yellow pine, five by eight inches; all of the best quality of lumber, and to the entire satisfaction of the Administrator of Improvements and City Surveyor.

Grace.

Rails and
crossties.

ART. 2205. Should the purchaser or purchasers, at any time, refuse to comply with any or all the requirements of these specifications, or fail to comply with the notifications of the Administrator of Improvements and the City Surveyor, or refuse or neglect to keep the streets and bridges in good order and condition, he or they, or their authorized representatives, shall be subject to a fine of twenty-five dollars or thirty days' imprisonment for each and every offence, at the discretion of the court; said fine to be recoverable before the Recorder of the municipal district in which the offence was committed.

Penalty.

ART. 2206. The fare on the Camp and Magazine line, between Canal and Toledano streets, or for any lesser distance between these points, shall not exceed five cents per passenger, either way, except as hereinafter provided.

Fare.

The fare on the Camp and Prytania line, between Camp and Toledano streets, shall not exceed five cents per passenger, either way, except as hereinafter provided.

The fare on the Rampart and Dauphine line, between Canal and the United States Barracks, shall not exceed five cents per passenger, either way, except as hereinafter provided.

The fare on the Canal street and Metairie road line, from neutral ground on Canal street, between Carondelet and St. Charles to Metairie ridge or cemeteries, shall not exceed five cents per passenger, either way, except as hereinafter provided.

The fare on the Esplanade and Bayou Bridge line, from Canal street to Bayou Bridge, shall not exceed five cents per passenger, either way, except as hereinafter provided.

They shall further be allowed to charge five cents from the New Canal to Bayou St. John, on the Ridge line.

Cars.

ART. 2207. The style of cars used to be the same as those now in use, unless some improved and advantageous pattern is introduced during the existence of this contract, when, upon application to and approval by the Council, the same may be changed.

Motive power.

ART. 2208. The cars shall be drawn by horse or mule power, and if more than one horse or mule be used for each car they shall be driven abreast.

Running hours.

ART. 2209. Said cars shall be run as often during the day or night as the purchasers may deem proper, but not at greater intervals than every ten minutes from daylight to ten o'clock P. M., and every fifteen minutes, from ten o'clock until half-past twelve o'clock, A. M., and every hour, thereafter until daylight, on the Camp and Magazine, the Camp and Prytania, the Rampart and Dauphine, to Poland street, the Esplanade to Bayou Bridge, and the Canal and Bridge line to Broad street station. For each and every fare after half-past twelve o'clock they shall be allowed to charge twenty-five cents.

Annual tax.

ART. 2210. Said purchaser or purchasers shall annually pay into the City Treasury upon the assessed value of said road and fixtures the annual tax levied

upon real estate; the value of said road and fixtures to be assessed by the usual mode of assessment.

ART. 2211. The speed of said cars shall not exceed six miles per hour. All cars that may run on said railroads between sunset and daybreak shall be provided with a good and ample headlight, placed in a conspicuous position in and on said cars, and for the violation of this or any other ordinance now existing, or that may hereafter be enacted, in accordance with the provisions of these specifications, on the part of any officer or employee of said roads, the purchaser or purchasers shall be liable to all fines and damages arising therefrom.

Speed.

Headlights.

ART. 2212. The city binds herself to transfer to the purchaser or purchasers of the franchises of the New Orleans City Railroad, as herein set forth, the right of reversion which the city now has, to purchase all the property, cars, fixtures and other appurtenances of each line at an appraised value, in accordance with the following section of their present value, to-wit:

Transfer of
right of rever-
sion.

ART. 2213. The said railroads, cars, fixtures and other appurtenances shall revert to the city at the expiration of the said twenty years' privilege, on a valuation to be ascertained by two disinterested persons, one to be appointed by the purchaser or purchasers and the other by the city; and in the event of a disagreement as to said valuation between said persons a third party or umpire shall be appointed by one of the district courts, the decision thereby had to be final.

Right of re
version.

ART. 2314. The rights of way are for street railroads carrying passengers only.

Passengers
only.

ART. 2215. It is understood that the purchaser or purchasers are allowed to make such turnouts and crossings as may be necessary on the streets through which they have the right of way on lines and levels to be furnished by the City Surveyor.

Turnouts and
crossings.

ART. 2216. The city of New Orleans binds herself not to grant, during the period for which said franchises are sold, a right of way to any other railroad company upon the streets through which said right of way is hereby sold, unless by mutual agreement between the city and the purchaser or purchasers of these franchises.

Exclusive
right.

- No change of track. ART. 2217. The purchaser or purchasers are not to change any of the tracks from the lines and levels now existing, without the consent of the City Council.
- Running of steam trains. ART. 2218. The city reserves the right to limit the running of steam trains on Canal street to any part where the Council may deem it expedient and necessary in the interests of the property holders or the community at large.
- Confirmation of contract. ART. 2219. (1) That whereas, the Mayor has informed the Council that he has signed the contract adjudicating the right of way on Camp and Prytania, Camp and Magazine, Rampart and Dauphine, Canal street and Metairie road, Bayou St. John and Esplanade and Bayou Bridge to the City Railroad Company.
A. S. 6160.
Oct., 1879.
- ART. 2220. (2) That the action of the Mayor in signing said contract be and the same is hereby approved; that the adjudication made to the City Railroad Company by the Council, as per Ordinance No. 6148, A. S., and the contract signed by the City Notary in compliance therewith, be and the same is hereby confirmed, ratified and approved.
- Run dummies from station to lake. ART. 2221. (1) That permission be and is hereby granted to the New Orleans City Railroad Company to run steam dummies from the depot on Canal street, between White and Dupre streets, to the end of the road at the lake; this permission to be revocable at the pleasure of the Council.
A. S. 3565.
June, 1876.
- Conductors on steam trains. ART. 2222. (1) That from and after the passage of this ordinance the New Orleans City Railroad Company be required on Sundays and excursion days to have at least one conductor for every two cars attached to the dummy engine, whose duty it will be to prevent any of the passengers from standing on the platform of any of the cars while in motion. That for each and every violation of this section the company so offending shall be fined in a sum not to exceed twenty-five dollars, recoverable before any court of competent jurisdiction.
A. S. 6528.
June, 1880.
- Penalty.
- Stand on Basin street for steam trains. ART. 2223. (3) That permission be and is hereby granted to the New Orleans City Railroad Company to establish a stand for their steam train on the neutral
A. S. 6528.
June, 1880.

ground on Basin street, between Canal and Common streets, at such point as may be designated by the Administrators of Commerce and Improvements and the City Surveyor.

ART. 2224. (4) That the New Orleans City Railroad Company be and is hereby authorized to erect a depot at the point designated, and to construct such tracks, switches, and turntables as may be necessary; provided, that the plans and specifications of the above-enumerated work be approved by the Administrators of Commerce and Improvements and the City Surveyor.

ART. 2225. (5) That in the event of the non-acceptance by the New Orleans City Railroad Company of the permission to establish a stand on the neutral ground on Basin street, then permission is hereby given to said company to run their steam trains to the wood side of Basin street, on Canal street.

ART. 2226. (6) That this ordinance shall go into effect and have full force on and after the first day of October, 1880, and that there shall be imposed a fine of twenty-five dollars, collectible before any court of competent jurisdiction, for each and every day the said company shall run their trains in contravention of the provisions of this ordinance.

ART. 2227. Whereas, the New Orleans City Railroad Company, owners of the Canal Street & Lake Railroad, has signified its acceptance and desires to avail itself of the provisions of Ordinance No. 6528, A. S.

ART. 2228. (1) That permission be and is hereby granted it to extend its tracks up and over Canal street, and on the neutral ground on Basin street, as per paragraphs Nos. 5, 6 and 7 of said ordinance, and to erect its depot; provided, that the said company obligates and binds itself to station a flagman on the curve from the neutral ground on Canal street to Basin street; provided further, that the said company binds itself to repair and to keep in good order and repair, from gutter to gutter, including the neutral ground, all bridges over the drainage canals on Canal street, from the Metairie ridge to Basin street; provided further, that the said

To erect depot

Non-acceptance.

Permission to run steam train.

Penalty.
A. S. 6570.
July, 1880.

To extend track and build depot.
A. S. 6731.
Nov., 1880.

company, through its proper officers, accept and agree to the provisions of this ordinance within five days from the date of its promulgation.

Conditional
repeal.
A. S. 6891,
Mar., 1881.

ART. 2229. (1) That the section of Ordinance 6528, adopted June 15, 1880, revoking the privilege granting the New Orleans City Railroad Company permission to extend their tracks on the neutral ground on Canal street to Carondelet street be and is hereby repealed; provided, said company shall remove their switch or switches now on Canal street, between Dryades and Baronne streets, and place the same at the intersection of Basin, in the block between Franklin and Basin streets, and shall lay a single track in the centre of said neutral ground from Basin street to connect that part of the track corner of Canal and Baronne streets; provided, the plans and specifications of the above-enumerated work be approved by the Administrators of Commerce and Improvements and the City Surveyor. These privileges to remain during the pleasure of the Council.

Extension to
Fair Grounds.
Ord. No. 7725,
A. S.
April 4, 1882.

ART. 2230. (1) That the New Orleans City Railroad have leave, and they are hereby authorized and empowered to lay and construct, under the supervision and direction of the City Surveyor, a double or single track of rails between their present line, and said grounds, similar in character and kind to their present line, and to operate their cars over the same by horses or mules, and at such time as they may judge fit. Such track or tracks to run from the present line of said company through Encampment, Fortin and Mystery streets to said Fair Grounds, and with the consent of said New Louisiana Jockey Club to any point within the same. This privilege or franchise is to continue until the expiration of the charter of said railroad company, and no extra charge is to be made for the use of this extension of said road by persons traveling over the same between the city and said Fair Grounds.

Streets
Bridges.

and
ib. ART. 2231. (2) That the said City Railroad Company, transferees or assigns shall keep the streets and bridges through which said route passes in good order and condition, the said road to be laid according to grades,

lines and levels to be given by the City Surveyor, and be finished to the satisfaction of the Administrator of Improvements and the City Surveyor.

ART. 2232. (1) That the New Orleans City Railroad Company be and is hereby authorized to lay a single track on Toledano street, from Camp street to Prytania street, so as to connect the Magazine and Prytania street lines of railroad tracks on said Toledano street; provided, that this privilege shall continue during the pleasure of the Council of the city of New Orleans, and that the track be laid in such manner as the Administrator of Improvements shall specify.

Track on Toledano street.
A. S. 471.
Oct., 1870.

See Ordinances, O. S., Nos. 4364, 4474, 4733, 5230, 5573, 5778, 5825, 5861; N. S. 606; A. S. 471, 1682, 2518, 3565, 3617, 4566, 4968, 5020, 5079, 6109, 6111, 6148, 6160, 6316, 6528, 6570, 6731, 6891.

Extension of Camp and Prytania Lines.

ART. 2233. (1) That the right of way, franchise or privilege of constructing, running, operating and maintaining as an extension of their Camp and Prytania car lines a double-track street railroad through the following - named streets, with all necessary turntables, switches and turnouts, be and the same is hereby granted to the New Orleans City Railroad Company, or its assigns, for a term equal to the remaining number of years of their present franchise, which expires on the 1st day of January, 1906, according to the conditions and stipulations hereinafter stated.

Right of way.
C. S. 54
Jan., 1883.

ART. 2234. (2) That this right of way, franchise or privilege shall commence from the junction of Prytania and Toledano streets, connecting with their present Prytania street tracks, through Prytania street to Upperline street, through Upperline to Pitt street, through Pitt to Soniat street, by double tracks, through Pitt street from its junction with Soniat street to Dufossat street by single track, through Dufossat street by single track to Boudousquie street, and to a point between Boudousquie street and St. Charles avenue, on Dufossat street, by double tracks, and from the junction of Soniat and Pitt streets, through Soniat to Bodousquie streets

Streets.
C. S. 217,
March, 1883.

by single track, and through Boudousquie street by single or double tracks to Peters avenue, it being well understood that the above amendments shall be subject to all the conditions contained in said original Ordinance No. 54, C. S.

Materials,
C. S. 54,
Jan., 1883.

ART. 2235. (3) That the material used in the construction of said road shall be as follows:

Crossties.

(a) The crossties shall be of the best quality of cypress or upland pine, eight (8) feet long, hewn or sawn on two opposite sides; having not less than ten (10) inches of face and seven (7) inches of uniform thickness; they shall be notched two inches in depth for insertion of stringers, and their distance apart shall not be more than four (4) feet from centres.

Stringers

(b) The stringers shall be of the best quality of milled pine, of not less than five (5) by nine (9) inches, and not less than twenty (20) feet long; they shall be fastened to each crosstie inside and outside by spiked wrought iron knees, half ($\frac{1}{2}$) an inch thick, two (2) inches wide and each part of knee six (6) inches long.

Tie-rods

(c) The stringers shall be fastened by tie rods five-eighths ($\frac{5}{8}$) of an inch in diameter, and be of sufficient length, having heads, threads and nuts and placed throughout every ten (10) feet apart.

Rails.

(d) The rails used on this line of road shall be the flat rail, five (5) inches wide, resting on suitable chairs at their ends, and shall be well spiked with six (6) inch wrought iron spikes. The entire space between the rails and tracks shall be transversely planked with 3x12 inches milled pine, and along the two (2) outer sides of the tramways throughout this route shall be placed, closely to the stringers and on a level with the top of the rail, one plank not less than 3x12 inches in dimension.

Crossings,
bridges and
culverts.

ART. 2236. (4) That it shall be the duty of the said railroad company to construct all crossings, bridges and culverts and wings of same, which in the opinion of the Commissioner of Public Works and the City Surveyor are at any time needed, and to keep the said streets, between the banquettes curb lines, including all plank-

ings, crossings, bridges, culverts and wings of same, and also all the intersections of the streets of this route at all times in good roadway order and condition, subject to the approval of the Commissioner of Public Works and City Surveyor.

ART. 2237. (5) That the upper terminus of this extension shall be at any point the said company may select between Peters avenue and Soniat street; in other words, just where their stables, shops and car-houses may be constructed, according to existing laws and ordinances. Upper terminus.

ART. 2238. (6) That mules or horses shall be used as the motors of this line, and shall, when upon the road, be belled with the usual car bell, and not be driven at a greater rate of speed than six miles per hour, and in no case shall steam or other motors, than herein specified, be used by this company, unless by consent of a majority of the property holders residing along this route, and the concurrence of the Council of this city. Motive power and speed.

ART. 2239. (7) That the said "New Orleans City Railroad Company" shall commence operations on said road within thirty days after the passage of this ordinance, and shall have the same finished and completed within six months thereafter, all of which shall be constructed according to lines and levels to be furnished by the City Surveyor and to the entire satisfaction of the Commissioner of Public Works and City Surveyor. Commencement and completion of work.

ART. 2240. (8) That the cars on this route shall leave their stations or starting points at succeeding intervals of times: 1. Not exceeding five (5) minutes between the hours of five (5) A. M. and nine (9) P. M. 2. Not exceeding fifteen (15) minutes between nine (9) P. M. and twelve thirty (12:30) A. M. 3. And not exceeding sixty (60) minutes between twelve thirty (12:30) A. M. and five (5) A. M. And the fare to be charged on said line of road shall not exceed five (5) cents between Canal street and its upper terminus, or for a lesser distance either way, between the hours of five (5) A. M. and twelve thirty (12:30) A. M. and the fare to be charged as above between twelve thirty (12:30) A. M. and five (5) A. M. shall not exceed ten (10) cents either way. Intervals of time.
Fare.

Obligations
relative to pav-
ing.

ART. 2241. (9) That the said New Orleans City Railroad Company shall, for and in consideration of this franchise, right of way or privilege herein granted, bind itself to pave the city's portion of said streets within the last ten years of this contract, with such pavement or material as the city may select. It being well understood that the above work is to be commenced within the year 1895, and pushed to an early completion; but should the said New Orleans City Railroad Company desire to avail itself of the entire ten years to do the work, at least one-tenth of said work shall be commenced and finished, without delay, during each year embraced in the period between the years 1895 and 1905.

Reversion.

ART. 2242. (10) That the property and appurtenances connected with this section of road and belonging to said New Orleans City Railroad Company shall revert to the city of New Orleans at the expiration of this franchise or right of way, on a valuation to be ascertained by two disinterested persons, one to be appointed by the railroad company and the other by the city, and in the event of a disagreement as to said valuation between the said two persons thus appointed, a third party or umpire shall be appointed by one of the District Courts, the decision thereby had to be final and binding.

Duty of Com-
missioner of
Public Works.

ART. 2243. (11) That it is hereby made the duty of the Commissioner of Public Works and City Surveyor to notify the said company in writing, through its president or chief officer, of any violation of the requirements or agreements contained in this ordinance, giving them a stated time to rectify the same, and if, upon the expiration of such time, the company has failed, neglected or refused to comply with such notice, then the City Council shall have the said violation rectified at the expense of said company without further notification. The cost for so doing to be recoverable before any court of competent jurisdiction.

Bond.

ART. 2244. (12) That the said New Orleans City Railroad Company bind themselves to complete the said continuation of road within the time hereinbefore stated,

and for the faithful execution of the same the said railroad company shall furnish to the city of New Orleans to the satisfaction of the City Council, good and solvent security in the shape of a bond in the sum of \$5000, naming real estate unincumbered. The said bond shall be made in favor of the Mayor of the city of New Orleans, and be filed and recorded in the mortgage office of the city of New Orleans. And it is well understood that in case of failure by said company to comply with the before mentioned conditions and requirements to finish the work of construction within the time fixed, its bond shall then become forfeited to the city of New Orleans. In case the Commissioner of Public Works and City Surveyor be dissatisfied with the manner in which the work is being executed, or should the company fail to complete the work as above specified, the Commissioner of Public Works and City Surveyor shall report the same to the City Council, which body shall have the right to annul the franchise without putting the company in default, as required by Article 1905 of the Civil Code, or any other law or laws, and without indemnity; and it is to be well understood, that in case the company shall abandon the work or not finish the same in accordance with this ordinance, the said company shall forfeit all claims it may have for, or in any part of the work done by it up to the date of its abandonment. The company expressly agreeing and understanding that this condition is in all things binding, and that the company, their heirs, legal representatives or assigns, shall at no time, in any court of justice, by plea, answer, exception, motion, objection of any kind, sort or description or under any circumstances, set up, urge, or in any way allege, plead or claim, that the condition of this ordinance is not, in all respects, legal, binding and obligatory on the company, or its legal representatives, or assigns.

Forfeiture of
bond.

Extension of Camp and Magazine Line.

ART. 2245. (1) That the right of way, franchise or privilege of constructing, running, operating and main-

Right of way. taining as an extension of their Camp and Magazine
C. S. 248.
April, 1883.
May, 1883

streets car lines through the following named streets, with all necessary turntables, switches, and turnouts, be and the same is hereby granted to the "New Orleans City Railroad Company," or its assigns, for a term equal to the remaining number of years of their present franchise, which expires on the first day of January, 1906, according to the conditions and stipulations hereinafter stated.

Route.

ART. 2246. (2) That the right of way, franchise or privilege shall commence from their present tracks at the junction of Magazine and Toledano streets, through Magazine by double track to Louisiana avenue, through Louisiana avenue (lower side) to Laurel street, through Laurel street by single track to Valmont street, and from Valmont street up by double track through Laurel street, to the Upper City Park, returning through Laurel street to Valmont street, thence through Valmont street by single track to Constance street, thence through Constance street, by single track to Louisiana avenue, thence through Louisiana avenue (upper side) by single track to Magazine street, thence through Magazine street (by double track as heretofore mentioned) to starting point.

Material.

ART. 2247. That the material used in the construction of said road shall be as follows:

Crossties.

(a) The crossties shall be of the best quality of cypress or upland pine, eight (8) feet long, hewn or sawn on two opposite sides, having not less than ten (10) inches of face and seven (7) inches of uniform thickness; they shall be notched two (2) inches in depth for insertion of stringers, and their distance apart shall not be more than four (4) feet from centres.

Stringers.

(b) The stringers shall be of the best quality of milled pine, of not less than five (5) by nine (9) inches, and not less than twenty (20) feet long; they shall be fastened to each crosstie inside and outside by spiked wrought iron knees, half ($\frac{1}{2}$) an inch thick, two (2) inches wide, and each part of knee six (6) inches long.

Tie-rods.

(c) The stringers shall be fastened by tie-rods five-

eighths ($\frac{5}{8}$) of an inch in diameter, and be of sufficient length, having heads, threads and nuts, and placed throughout every ten (10) feet apart.

(d) The rails used on this line of road shall be the flat rail, five (5) inches wide, resting on suitable chairs at their ends, and shall be well spiked with six (6) inch wrought iron spikes. . The entire space between the rails and tracks shall be transversely planked with 3x12 inch milled pine, and along the two outer sides of the tramways throughout this route shall be placed close by to the stringers and on a level with the top of the rail, one plank not less than 3x12 inches in dimension. Rails.

ART. 2248. (4) That it shall be the duty of said railroad company to construct all crossings, bridges and culverts and wings of same, which in the opinion of the Commissioner of Public Works and the City Surveyor are at any time needed, and to keep the said streets between the banquette curb lines, including all plankings, crossings, bridges, culverts and wings of same, and also all the intersections of the streets of this route at all times in good roadway order and condition subject to the approval of the Commissioner of Public Works and City Surveyor. Culverts,
bridges, streets,
etc.

ART. 2249. (5) That the upper terminus of this extension shall be at any point the said company may select between the lower line of said park and Henry Clay avenue; in other words, just where their stables, shops and car-houses may be constructed according to existing laws and ordinances. Upper terminus.

ART. 2250. (6) That mules or horses shall be used as the motors of this line, and shall, when upon the road, be belled with the usual car bell, and not be driven at a greater rate of speed than six miles per hour, and in no case shall steam or other motors than herein specified be used by this company, unless by consent of a majority of the property holders residing along this route, and the concurrence of the Council of this city. Motive power.

Speed.

ART. 2251. (7) That the said New Orleans City Railroad Company shall commence operations on said road within sixty days after the passage of this ordinance, Commencement and completion.

and shall have the same finished and completed within six months thereafter; all of which shall be constructed according to lines and levels to be furnished by the City Surveyor, and to the entire satisfaction of the Commissioner of Public Works and City Surveyor.

Intervals of
starting.
C. S. 276.
May, 1883.

ART. 2252. (8) That the cars on this route shall leave their stations or starting points at succeeding intervals of time. First—Not exceeding ten (10) minutes between the hours of five (5) A. M. and nine (9) P. M. Second—Not exceeding fifteen (15) minutes between twelve thirty (12:30) P. M. and twelve thirty (12:30) A. M. Third—And not exceeding sixty (60) minutes between twelve thirty (12:30) A. M. and five (5) A. M. And the fare to be charged on said line of road shall not exceed five (5) cents between Canal street and its upper terminus, or for a lesser distance either way, between the hours of five (5) A. M. and twelve thirty (12:30) A. M., and the fare to be charged as above between twelve thirty (12:30) A. M. and five (5) A. M. shall not exceed ten (10) cents either way. It is well understood that time of ten minutes may at any time be altered so as to make it five minutes or less between the starting of each car.

Fare.

Obligations
to pave.

ART. 2253. (9) That the said New Orleans City Railroad Company shall, for and in consideration of this franchise, right of way or privilege herein granted, bind itself to pave the city's portion of said streets, within the last ten years of this contract, with such pavement or material as the city may select. It being well understood that the above work is to be commenced within the year 1895 and pushed to an early completion; but should the said New Orleans City Railroad Company desire to avail itself of the entire ten years to do the work, at least one-tenth of said work shall be commenced and finished without delay during each year embraced in the period between the years 1895 and 1905.

Reversion.
C. S. 248.
April, 1883.

ART. 2254. (10) That the property and appurtenances connected with this section of the road and belonging to said New Orleans City Railroad Company, shall revert to the city of New Orleans at the expiration

of this franchise or right of way, on a valuation to be ascertained by two disinterested parties, one to be appointed by the railroad company and the other by the city, and in the event of a disagreement as to said valuation between the said two persons thus appointed, a third party or umpire shall be appointed by one of the district courts, the decision thereby had to be final and binding.

Valuation; how settled.

ART. 2255. (11) That it is hereby made the duty of the Commissioner of Public Works and City Surveyor to notify said company in writing, through its president or chief officer, of any violation of the requirements or agreements contained in this ordinance, giving them a stated time to rectify the same, and if, upon the expiration of such time, the company has failed, neglected or refused to comply with such notice, then the City Council shall have the said valuation rectified at the expense of said company without further notification. The cost for so doing to be recoverable before any court of competent jurisdiction.

Neglect of company; how rectified.

ART. 2256. (12) That the said New Orleans City Railroad Company bind themselves to complete the said continuation of road within the time hereinbefore stated, and for the faithful execution of the same the said railroad company shall furnish the city of New Orleans, to the satisfaction of the City Council, good and solvent security in the shape of a bond in the sum of \$5000, naming real estate unencumbered. The said bond shall be made in favor of the Mayor of the city of New Orleans and be filed and recorded in the Mortgage Office of the city of New Orleans. And it is well understood that in case of failure by the said company to comply with the before-mentioned conditions and requirements to finish the work of construction within the time fixed, its bond shall then become forfeited to the city of New Orleans. In case the Commissioner of Public Works and City Surveyor be dissatisfied with the manner in which the work is being executed, or should the company fail to complete the work as above specified, the Commissioner of Public Works and the City Surveyor shall report

Bond of \$5000.

How forfeited

the same to the City Council, which body shall have the right to annul the franchise without putting the company in default, as required by Article 190 of the Civil Code, or any law or laws, and without indemnity; and it is to be also well understood that in case the company shall abandon the work, or not finish the same in accordance with this ordinance, the said company shall forfeit all claims it may have for or in part of the work done by it up to the date of its abandonment. The company expressly agreeing and understanding that this condition is in all things binding, and that the company, their heirs, legal representatives or assigns shall at no time, in any court of justice, by plea, answer, exception, motion, objection of any kind, sort or description, or under any circumstances set up, urge or in any way allege, plead or claim that the conditions of this ordinance are not in all respects legal, binding and obligatory on the company or its legal representatives or assigns.

City not responsible.

ART. 2257. (13) That nothing in this franchise shall be construed as holding the city responsible for any liability that may occur by reason of litigation or otherwise between the City Railroad Company and the Crescent City Railroad Company, occasioned by rights now claimed by said Crescent City Railroad Company on Magazine street, between Toledano street and Louisiana avenue.

Amending
A. S. 7725.
April, 1882.
Ord. No. 523,
C. S.

ART. 2258. (1) That Ordinance No. 7725, A. S., approved April 4, 1882, be amended so as to grant unto the New Orleans City & Lake Road Company, the successor of the New Orleans City Railroad Company, in addition to the privileges therein contained, the right of laying a single or double track and of running cars thereon, on Maurepas street, from Encampment street through Maurepas to its junction with Esplanade street, where the cars of the company now run.

Transfer of
right.

Rights confirmed to successor.

ART. 2259. (2) That all the rights and obligations of said Ordinance No. 7725, A. S., and of this ordinance, are hereby declared to be in full force and effect, and shall remain so for the benefit of said New Orleans City

& Lake Railroad Company, so long as it operates the Esplanade street line of cars.

In consideration of this privilege the company agrees Consideration.
to plank the whole street (excepting the sidewalks) with three-inch yellow pine planks, spiked with six-inch wrought spikes to yellow pine mudsills, 4x8, placed three feet from centres and pinned to the ground with oak pins two feet long, the whole planking to be for the length of new track laid, and to be subject to the approval of the Commissioner of Public Works.

ART. 2260. (1) That permission be and is hereby granted to New Orleans City & Lake Railroad Company, the successors of the New Orleans City Railroad Company, and the owners of the New Orleans Metairie Lake Railroad, running to West End, to run "Their Lake Cars, Propelled by Steam Power," on Canal street, from Basin street to Carondelet street, and to establish a stand for said cars on the corner of Canal and Carondelet streets. Steam trains
on Canal street.
C. S. 541.
Jan., 1884.

ART. 2261. (2) That said permission shall be in addition to all other privileges now enjoyed by said company, and shall be governed by the provisions of Ordinance No. 6891, A. S. Stand for cars.

ART. 2262. (3) That said permission shall continue until January 1, 1906, the date of the expiration of the Canal street right of way owned by said company. Additional pri-
vileges.

ART. 2263. (1) That the right of way, franchise or privilege of constructing, running, operating and maintaining, as an extension of their Camp and Prytania street line, their tracks through the following-named streets, with all the necessary turntables, switches and turnouts, be and the same is hereby granted to the New Orleans City & Lake Railroad Company or its assigns, for a term equal to the remaining number of years of their present franchise, which expires on the 1st day of January, 1906, according to the conditions and stipulations hereinafter stated. Expiration.

ART. 2264. (2) That this right of way, franchise or privilege shall commence from its present track, at the intersection of Dufossat and Pitt streets by single track Right of way
C. S. 600.
March, 1884.

Term of.

Commence-
ment of.

Route.	<p>on Pitt street to Joseph street, on Joseph street to Boudousquie street by single track, say one square. Also on Boudousquie street, from its intersection with Dufosat street to Joseph street by single track, thence on Joseph street by double track to Hurst street, thence on Hurst street by double track to the lower line of the city park or exposition ground.</p>
Time table and fare.	<p>ART. 2265. (3) That the material used in the construction of said road shall be as described in Ordinance No. 54, Council Series, according to the specifications therein contained. It being further understood that this extension shall be operated under the same time table and fare charges as the now existing Prytania street railroad line.</p>
Operations to commence.	<p>ART. 2266. (4) That the said New Orleans City & Lake Railroad Company shall commence operations on said road within thirty days after the passage of this ordinance, and shall have the same completed within</p>
Completion.	<p>ninety days thereafter, all of which shall be constructed according to lines and levels to be furnished by the City Surveyor, and to the entire satisfaction of the Commissioner of Public Works and the City Surveyor.</p>
Right of way. C. S. 807. Aug., 1884.	<p>ART. 2267. (1) That permission be and is hereby granted to the New Orleans City & Lake Railroad Company, the successors of the New Orleans City Railroad Company, to lay and operate a single track on Camp street from Poeyfarre to Canal streets, and connecting at these streets with its present tracks, and in addition to the track now on Camp street; thus forming a double track on Camp street from Poeyfarre to Canal streets. This additional track to be laid by placing a stringer and rail on each side of the present track, and the right to maintain and operate same, to remain in full force and effect until January 1, 1906, the date of the expiration of franchise and right of way on said streets, as now used by the New Orleans, City & Lake Railroad Company.</p>
Expiration.	
Additional privilege.	<p>ART. 2268. (2) That the said New Orleans City & Lake Railroad Company do have the further right of laying at the intersections of Poeyfarre and Magazine</p>

streets and of Poeyfarre and Camp streets such turnouts and switches as will allow the running of the Magazine street cars down Camp street from Poeyfarre street to Canal street, should Magazine street at any time from any cause become impassable from Poeyfarre street to Canal street; this right to continue to the date mentioned in the preceding section.

ART. 2269. That the New Orleans City & Lake Railroad Company be and are hereby ordered to remove their track on Caffin's lane to the centre of street, according to their franchise (see Jewell's Digest, folio 231), and construct a gutter on lower side of Caffin's lane, from Dauphine street to levee.

To remove
tracks.
Ord. No. 3102,
C. S.
July 24, 1883.

ART. 2270. That the said railroad company be and are hereby directed to repair at once and place in proper condition, from curb to curb, the following streets as per franchise (see Jewell's Digest, Art. , folio 232): Delery street, from Dauphine street to levee; Caffin's lane, from Dauphine street to levee, and Dauphine street, from Delery street to Caffin's lane.

Repairs.

ART. 2271. That the New Orleans City & Lake Railroad Company be and are hereby directed to clean and enlarge the present culverts, and construct new ones, under their track on Dauphine street, from Poland street to Delery street, as directed by the City Surveyor.

Culverts, to
be cleaned and
enlarged.

ART. 2272. That all the work to be done under the supervision and to the satisfaction of the City Surveyor

City Surveyor

ART. 2273. That in the event of failure on the part of the New Orleans City & Lake Railroad Company to signify their willingness to comply with this ordinance within twenty days after promulgation of same the Commissioner of Public Works is hereby directed to proceed and carry out the provisions of Art. 492 (Jewell's Digest, p. 300).

Duty of Com-
missioner of
Public Works

ART. 2274. That the New Orleans City & Lake Railroad Company be directed to change the system of running their cars on Prytania street, so as to conform with usual rules of keeping to the right.

Change tracks.
Ord. No. 6757,
C. S.
Sept. 27, 1892.

ART. 2275. That the Comptroller be and he is hereby authorized and directed to advertise according to law,

Sale at auction.
 Ord. No. 7575.
 C. S.
 May 16, 1893.

and to sell in block at public auction to the highest bidder, for cash, an extension of the following-described street railway franchises, now owned and operated by the New Orleans City & Lake Railroad, for a term of fifty years from the date of the expiration thereof upon the following terms, conditions and specifications, and with the following additions and modifications; provided, however, that all bids shall be subject to rejection by the City Council.

ART. 2276. The right to contract, maintain and operate for fifty years from the first day of January, 1906, lines of street railway for carrying of passengers, as now owned and operated by the New Orleans City & Lake Railroad Company, as herein changed and modified, and more accurately and fully described as follows:

Magazine Street Line.

Route.

ART. 2277. Commencing at the intersection of Canal and St. Charles streets, on tracks on the neutral ground of Canal street, thence to Camp street.

On Camp street, from Canal street to St. Andrew street.

On Magazine street, from St. Andrew street to Louisiana avenue.

On Louisiana avenue (lower side), from Magazine street to Laurel street.

On Laurel street to lower side of Audubon Park, thence running down Laurel street to Valmont street.

On Valmont street to Constance street.

On Constance street, from Valmont street to Louisiana avenue.

On Louisiana avenue (upper side), from Constance street to Magazine street; on Magazine street, from Louisiana avenue to Canal street; on Canal street, from Magazine street to the point of starting.

With privilege, at the purchaser's option, to lay another track on Magazine street from Canal street to St. Andrew street; and also to lay a double track on Laurel street from Louisiana avenue to the park, and in the

event to abandon and take up the line on Constance street and Valmont street.

The purchaser or his assigns shall have the right, with the permission of the owners, of the Crescent City Railroad franchises, to connect this line with the Upper Magazine Street Line above Louisiana avenue by tracks across Louisiana avenue, and to connect with the Annunciation Line by tracks through Louisiana avenue from Laurel street to Annunciation and Chippewa, and through these streets as far as Toledano street; and shall also have the right to connect through Peters avenue by double track with the tracks of the road sold under Ordinance No. 6352, Council Series, and by arrangement with the owners of that franchise and the Crescent City Railroad to interchange cars between said lines over said connections.

Connections.

Acquired by contract with the city of New Orleans, on October 2, 1879, June 14, 1882, and May 15, 1883.

Camp and Prytania Street Line.

ART. 2278. Commencing at the intersection of Canal and St. Charles streets, on tracks on the "neutral grounds," thence to Camp street.

Route.

Up Camp street to the commencement of Prytania street, between Delord and Calliope streets.

Thence up Prytania street to Upperline street.

On Upperline street from Prytania street to Pitt street.

On Pitt street from Upperline street to Joseph street.

On Joseph street from Pitt street to Hurst street.

On Hurst street to the lower line of Audubon Park.

Thence returning down Hurst street to Joseph street.

On Joseph street from Hurst street to Boudousquie street.

Boudousquie street from Joseph street to Soniat street.

Soniat street from Boudousquie street to Pitt street.

Pitt street from Soniat street to Upperline street.

Upperline street from Pitt street to Prytania street.

Prytania street from Upperline street to its intersection with Camp street as aforesaid.

Thence down Camp street to Canal street and to the point of starting.

Purchaser's
options.

The purchaser shall have the right, at his option, to take up and abandon the single track as above provided for on Soniat street and Boudousquie street, and to lay a double track on Upperline street from Prytania street to Pitt street, and a double track on Pitt street from Upperline street to Joseph street, and a double track on Joseph street from Pitt street to Hurst street, or to continue the double track on Prytania street straight up Prytania street to Joseph street, and through Joseph street to Hurst street and to abandon tracks on Pitt and Boudousquie streets.

Acquired by contracts with the city of New Orleans, October 2, 1879, June 14, 1882 and February 27, 1883, and Ordinances Nos. 217, 600 and 807, Council Series.

And in connection with the two routes just above mentioned, the purchaser or assigns shall have the right to lay a single track on Poeyfarre street, between Camp and Magazine streets, and to lay at the intersection of Poeyfarre and Magazine streets such turnouts and switches as will allow the running of the Magazine street cars down Camp street from Poeyfarre street to Canal street; and they shall have the right to run the Prytania street cars down Magazine street for the convenience of the company and the public; and to connect through Boulevard avenue by double track from Prytania to Tchoupitoulas street with the Crescent City lines and to interchange cars over said lines with the consent of the Crescent City Railroad Company.

The right through Poeyfarre street is given by Ordinance No. 807, Council Series.

The construction of a double track on Magazine street and running cars in both directions as hereinabove permitted shall not deprive the purchaser of the right to continue to run Magazine street cars up on Camp street as herein provided.

Rampart and Dauphine Street Line.

ART. 2279. Commencing at the intersection of Canal and St. Charles streets, on tracks on the neutral grounds, as now constructed and used. Route.

Thence out Canal street to North Rampart street.

North Rampart street from Canal street to Esplanade street.

Esplanade street from North Rampart to Dauphine street.

Dauphine street from Esplanade street to Poland street.

Poland street from Dauphine street to North Rampart street.

Thence returning on Poland street to Dauphine street.

Dauphine street from Poland street to Delery street.

Delery street from Dauphine street to North Peters street.

North Peters from Delery street to the Crescent City Slaughterhouse.

Then returning along North Peters street to Flood street.

Flood street from North Peters street to Dauphine street.

Dauphine street from Flood street to Poland street.

Poland street from Dauphine street to North Rampart street.

North Rampart street from Poland street to Canal street, and thence to the point of starting; the whole according to tracks as now used; those on Canal, North Rampart, Poland and Esplanade streets being on the neutral grounds of said streets; or as follows at the option of the purchaser of this franchise; Dauphine from Esplanade to Hancock, Hancock to North Peters, North Peters to the Crescent City Slaughterhouse; thence returning, North Peters to Hancock street, Hancock street to Royal street, Royal to Poland street, Poland to Rampart street, Rampart to Esplanade street. The purchaser or purchasers of this franchise to use the neutral

ground of Poland street. The above to apply to the Levee and Barracks line.

Acquired by contract with the city of New Orleans on October 2, 1879, and Ordinance 1682, Administration Series.

Levee and Barracks Line.

Route.

ART. 2280. Commencing at the intersection of Canal and Decatur streets, with tracks on the neutral ground, thence along Canal street to North Peters street.

North Peters street, from Canal street to Lafayette avenue.

Lafayette avenue, from North Peters street to Chartres street.

Chartres street, from Lafayette avenue to Poland street.

Poland street, from Chartres street to Dauphine street.

Dauphine street, from Poland street to Delery street.

Delery street, from Dauphine street to Peters street.

North Peters street, from Delery street to the Crescent City Slaughterhouse.

Thence returning along North Peters street to Flood street.

Flood street, from North Peters street to Dauphine street.

Dauphine street, from Flood street to Poland street.

Poland street, from Dauphine street to Royal street.

Royal street, from Poland street to Lafayette avenue.

Lafayette avenue, from Royal street to North Peters street.

On North Peters street to Canal street, and thence to the point of starting.

From the intersection of Dauphine and Poland streets to the Crescent City Slaughterhouse and return the cars of this line run over the same tracks as the Rampart and Dauphine street line.

Acquired by contract with the city of New Orleans on June 9, 1862, and by ordinances 6322 and 6405, Old Series, and 67,144, 248,490 and 1506, New Series, and 1682, Administration Series.

As the franchise of this line as now constructed does not expire at the same date with the other franchises of the New Orleans City and Lake Railroad Company, the extension thereof under this sale shall be January 1, 1956, so as to make all said franchises expire on the same date, thereby making the extension of this franchise more than fifty years.

Canal Street and Bayou St. John Line.

ART. 2281. Commencing at Canal street, opposite the New Canal; thence along the Metairie Ridge to Bayou St. John, and returning the same way. Double tracks as now constructed with the right to connect this line over the drawbridge across Bayou St. John, at the foot of Esplanade street, with the tracks of the Esplanade Line, and to operate the same in conjunction with that line. Route.

Acquired by contract with the city of New Orleans, October 2, 1879.

Esplanade Street Line.

ART. 2282. Starting at the intersection of Canal and St. Charles streets; Route.

Thence along Canal street to North Rampart street;

North Rampart street from Canal street to Esplanade street;

On Esplanade street to Bayou St. John;

Thence along the said Bayou St. John around to the station, as now operated, and returning the same way.

Double tracks as now constructed on "Neutral Grounds," running through said streets.

Acquired by contract with the city of New Orleans, October 2, 1879.

And in connection with this line is given the right to run into the Fair Grounds from the intersection of Esplanade street and Grand Route St. John, through Encampment street to the Fair Grounds, and from the Fair Grounds through Encampment street to Maurepas street; thence on Maurepas street from Encampment street to Esplanade street, double tracks and switches

both ways, so that the cars can run into and out of the Fair Grounds both going and returning. This line into the Fair Grounds to be operated at the discretion of the purchaser or assigns.

Acquired by ordinances from the city of New Orleans, No. 7725, Administration Series, and No. 523, Council Series.

Esplanade and French Market Line.

Route. ART. 2283. Commencing at the intersection of Canal and Decatur streets along Canal street, neutral ground, to North Peters street.

Along North Peters street from Canal street to Esplanade street.

Esplanade street, neutral ground, from North Peters street to Bayou St. John.

And returning the same way, using the tracks of the Esplanade street line, from the intersection of North Rampart and Esplanade streets, together with the right to enter the Fair Grounds over the tracks of the Esplanade street line.

On Esplanade street, from Chartres street to Bourbon street, the purchaser of the franchises, or assigns, and the St. Charles Street Railroad Company, or any future purchaser of the franchises of that company, shall be compelled to use the same tracks.

Acquired by contract with the city of New Orleans on October 2, 1879.

Canal Street and Lake Trains.

Route. ART. 2284. The privilege to maintain and operate street railways with double track on the neutral ground of Canal street, from the intersection of St. Charles street, out Canal street to the cemeteries and to the present terminus at the New Canal and back, with the right to construct a branch line beginning on the neutral ground of Canal street at Villere street, with double track through Villere street to Lafayette avenue, and through Lafayette avenue to connect with the Rampart and Dauphine and Levee and Barracks lines.

And the privilege on the said Canal street and tracks, Steam route.
as now used, from intersection of Carondelet street
(with a middle track as now constructed from said Carondelet street to Robertson street), to run and operate trains of cars propelled by steam, with privilege, should the system be generally adopted, to use electric power instead of steam.

Acquired, except as herein extended and modified, by contract with the city of New Orleans of date October 2, 1879, July 1, 1879, Ordinance 3316, Administration Series, and 541 Council Series.

The whole of the above to be with such curves, Curves,
switches, etc.
switches, turnouts and standing tracks at the termini on Canal street and elsewhere as the company may require, and to connect any of the above tracks through the necessary streets with car sheds now established or hereafter located.

And as part of the foregoing right of way, franchises and privileges the purchaser shall have the option or privilege to connect the lines of road below Canal street with those above Canal street by means of necessary tracks across and through Canal street with such switches and turnouts as may be necessary, to be constructed according to lines and levels established by the City Engineer. Connections.

For the use and exercise of the above-mentioned franchises on the neutral ground of Canal street the purchaser or assigns shall be entitled to have three continuous tracks thereon from St. Charles street to Magazine street, and four tracks thereon from Magazine street to Wells street, with necessary turnouts and cross-overs; and shall be compelled to adjust any rights it may have in this regard with the owners of the Crescent City Railroad franchises, and with the purchaser of the franchise under Ordinance No. 7036, Council Series. Additional
tracks.

Terms, Conditions and Specifications.

ART. 2285. (1) The bids shall be in current money of the United States, payable in cash, or a certified Price.

check on the fiscal agent of the city, on the signing of the notarial contract hereinafter provided for.

Assumption of reversion. ART. 2286. (2) Inasmuch as the railroads above described, together with cars, fixtures and other appurtenances, are to revert to the city at the expiration of the present franchise, at an appraised value, to be ascertained as provided in said contracts, the purchaser or purchasers of the extension herein provided for agrees to assume said obligation and pay the price that may be ascertained, in her stead, in addition to the regular bid. Should the present owner, the New Orleans City & Lake Railroad Company, or her successors or assigns, become again the purchaser of these franchises, then the city shall be relieved of the obligation to acquire the property, subject to above right of reversion and the ownership of said New Orleans City & Lake Railroad Company, or assignee, shall continue uninterrupted.

Qualifications to bid. ART. 2287. (3) Every bidder for the purchase of said franchise, shall, as a condition precedent to the receiving of such bid by the City Comptroller, deposit with the City Treasurer, in cash, the sum of one hundred thousand dollars (\$100,000), and shall, at the time of bidding, file receipt therefor, with the City Comptroller, showing that he has made such deposit. The deposits of all unsuccessful bidders shall be immediately returned to them; that of the highest bidder shall be held as security that he will sign the contract in case his bid is accepted by the City Council and pay the amount of his bid; and in case of the failure of the successful bidder to sign the said contract and pay the amount of his bid, the said one hundred thousand dollars (\$100,000) shall be forfeited to the city as liquidated damages.

Contract and bond. ART. 2288. (4) The successful bidder shall be required within twenty days of the acceptance of his bid by the City Council to enter into notarial contract before the City Notary, with the city of New Orleans, embodying all the terms and stipulations of this ordinance, and shall be required at the time said contract is signed to give to the city of New Orleans a bond with sureties

satisfactory to the Mayor in the full sum of one hundred thousand dollars (\$100,000), conditioned for the faithful performance of the terms of his contract.

ART. 2289. (5) The motive power shall be the single Motive power.
trolley system of electricity, or any other improved system of rapid transit, except steam, that may be hereafter approved by the Council. Steam dummies may be used on Canal street, from Carondelet to West End. Motor cars may haul one or more trailers. Cars shall not be compelled to stop except on the further sides of the crossings, and they shall not wait for passengers who are not at crossings ready to enter.

ART. 2290. (6) All of the above lines of railroad Reconstruction.
shall, on neutral ground spaces be constructed with T girder or rail, and on paved or unpaved streets with other improved form of rail, laid on red cypress or oak ties, sound and free from sap, not less than five inches by eight inches by seven feet and not over three feet between centres, so as to make said lines of road first-class in every respect. All pavements taken up for construction purposes on paved streets shall be relaid in same good order and condition as they were before.

ART. 2291. (7) Cars shall be of the latest improved Cars.
pattern and finish, and shall at all times be kept clean and neat and in good condition, and shall be provided with ventilators on the roof.

ART. 2292. (8) All poles shall be of iron or of wood Poles.
of neat design, to be approved by the City Engineer, strongly and firmly set. They shall be painted, and kept painted, and shall be located by the City Engineer.

ART. 2293. (9) All wires shall be lightly strung and Wires.
fastened, and, except trolley wires, well insulated.

ART. 2294. (10) Cars shall be run as often as the purchaser may deem proper, and not at greater intervals Time.
than one every ten minutes from daylight to 10 P. M., to midnight, and one every hour thereafter.

ART. 2295. (11) The fare shall be five cents for a continuous ride of any distance between termini in one direction Fares.
except from 12 o'clock midnight to 5 o'clock A. M., during which time the fare shall be ten cents.

Care of streets. ART. 2296. (12) The purchaser or his assigns shall, during the continuance of these franchises, keep in good order and repair all streets through which these lines run between the rails and for one foot on each side of said rails.

Railroad crossings. ART. 2297. (13) At points where these tracks cross other tramways or steam railroad tracks crossings shall be constructed in such manner as to form a continuous rail for each rail of each track. Plans of such crossings shall be submitted to and approved by the City Engineer, and the cost and maintenance thereof shall be governed by the provisions of Ordinance No. 6547, Council Series.

Speed. ART. 2298. (14) The speed of cars shall not exceed
Amended by twelve miles per hour, except on the Canal Street &
Ord. No. 8326, Lake Line, where it may be twenty miles an hour, from
C. S. Claiborne street to the cemeteries.

Purchase by ART. 2299. (15) In case the extension of these fran-
the New Or- chises herein provided for is purchased by the New Or-
leans City and leans City & Lake Railroad Company, or is assigned to
Lake Railroad said company by the purchaser, it shall be obligated im-
Company. mediately and with all due diligence to construct, re-
construct, re-equip and operate all the above lines of
railroad in accordance with the above specifications,
modifications and additions. Such work of construction
and reconstruction shall begin within ninety days after
the signing of the contract with the city, or the assign-
ment thereof by the purchaser, and shall be completed
as soon as practicable. If said company is not the pur-
chaser, or does not become the assignee of the purchaser,
then such purchaser shall not be compelled to begin
such work until within ninety days from expiration of
present franchises, and shall complete the same as soon
as practicable.

Reversion of ART. 2300. (16) At the expiration of the aforesaid
property. franchises, to-wit., on the 1st day of January, 1956, the
said railroad tracks, rolling stock, equipment, fixtures
and depots shall revert to the city of New Orleans on a
valuation to be ascertained by two disinterested persons,
one to be appointed by the city of New Orleans and the
other by the purchaser or his assigns; and in the event

of the disagreement between said persons thus appointed as to said valuation, a third person or umpire shall be appointed by the Civil District Court or its lawful successor, and the decision of said umpire shall be final.

ART. 2301. (17) The purchaser of said franchises shall have the right to assign and convey the same to any person or corporation competent to hold and exercise the same. Right to assign.

ART. 2302. That the plan showing the arrangement of tracks of New Orleans City & Lake Railroad tracks on Metairie road and neutral ground from Canal street to New Basin as submitted by the City Engineer be and the same are hereby approved. Approving arrangement of tracks.
Ord. No. 7718,
C. S.
June 13, 1893.

ART. 2303. That the bid of Henry Bier for the extension of the franchises of the New Orleans City & Lake Railroad Company for a period of fifty years from the expiration of the present franchises of said New Orleans City & Lake Railroad Company, for the right of way for street railroad purposes, over certain streets specified in Ordinance No. 7575, C. S., and in accordance with terms and specifications contained in said Ordinance No. 7575, C. S., for the sum of seven hundred thousand dollars (\$700,000), be and the same is hereby accepted, and that the Mayor be and is hereby directed and authorized to enter into notarial contract with the said Henry Bier in accordance therewith, as per his bid of September 5, 1893. Accepting bid of Henry Bier.
Ord. No. 8104,
C. S.
Oct. 3, 1893.

ART. 2304. That the seven hundred thousand dollars bonus to be paid by the purchasers of the franchise of the New Orleans City & Lake Railroad Company be and the same is hereby appropriated and set apart as a special fund for the purpose of inaugurating and securing an improved system of drainage and permanent public improvements for the city of New Orleans. Drainage.

ART. 2305. That the Comptroller and City Treasurer be and they are hereby instructed to open a special account, to be called the permanent drainage fund and permanent improvement fund, and to place the aforesaid sum of seven hundred thousand dollars to the credit of said account as soon as the purchase price of said franchise is paid to the city of New Orleans. Permanent Drainage Fund and Permanent Improvement Fund.

To plank outer
edge of rail.
Ord. No. 6674,
C. S.
Sept. 6, 1892.

ART. 2306. That the New Orleans City and Lake Railroad Company be and they are hereby instructed to place a twelve-inch plank on the outer edge of rails on Laurel and Constance streets, from Louisiana avenue to Audubon Park, Camp to Calliope streets.

CRESCENT CITY RAILROAD.

Sale of privilege.
O. S. 6323.
Aug., 1865.

ART. 2307. (1) That the Comptroller be and he is hereby authorized and instructed to advertise that sealed proposals will be received (endorsed "Proposals for City Railway") at his office until Friday, the 15th day of September, 1865, at 12 M., for the purchase of the right of way for a double track railway through New Levee street, from its intersection with Canal street, to Toledano street—the upper limit of the city—upon the following conditions, to-wit:

Route.

Rails.

Cars.

Hours.

Speed.

Fare.

Terms and conditions.

(a) The rails used in the construction of the road to be of the same pattern as those now in use by the City Railroad Company, and the lumber to be of the same quality of yellow pine or cypress, free from sap, and of the sizes to be designated by the City Surveyor.

(b) The cars to be of the most approved pattern, and to seat, if a single car, nine persons on each side; if a double car, twelve persons on each side.

(c) The cars to be run at intervals not greater than five minutes from daylight to 10 P. M., and every twenty minutes from 10 P. M. till midnight.

(d) The rate of speed of the cars not to exceed six miles per hour. Each car to have a prominent light on the front, and a bell on the horse or mule. Each car to be closed by a railing in front, to prevent exit or entrance except from the rear.

(e) The rate of fare from Canal street to Toledano street, or for intermediate distances, up or down, to be five cents for each passenger.

(f) The right of way to be sold for twenty years from the date of the signing of the contract. On the expiration of the lease, the road, rolling stock, equipments, depots, and fixtures, to be taken by the city at an appraised value. The city and company each to

appoint a disinterested person to assess the value; and, in the event of a disagreement, one of the district courts to appoint a third party, whose decision shall be final.

(g) The streets through which the road is built to be kept in good repair during the continuance of the lease, at the expense of the contractor. Streets.

(h) The city of New Orleans not to be responsible for any work or materials furnished for the road; and every outlay and expense thereon, either for construction, operation or maintenance, to be borne by the contractor. City not responsible.

ART. 2308. (2) That the proposals shall state the rate allowed the city of New Orleans for each passenger carried as a bonus for the privileges given; and the contractor, or his duly authorized agent, shall be required to make, under oath, monthly returns to the City Comptroller, giving the number of passengers carried during the month, the amount received, and the portion due the city, which amount shall be paid into the city treasury at the time the return is made. Bonus.

ART. 2309. (3) That for and in consideration of the bonus aforesaid the contractor shall be exempted from all city taxation upon the value of the track, rolling stock, equipments and depots. Exempt from taxation.

ART. 2310. (1) That the Mayor of the city of New Orleans be and he is hereby authorized and empowered to enter into a contract, by notarial act or otherwise, with David McCoard "for the sale of the right of way to establish a railroad on New Levee street, from Canal street to Toledano street, in accordance with the terms and conditions of City Ordinance No. 6323, O. S., and the specifications on file in the office of the City Surveyor, at a bonus of nine-sixteenths of one cent for each and every passenger carried. Right of way.
O. S. 6345.
Aug., 1865.

ART. 2311. (1) That a single track of said railway instead of a double track be laid upon Tchoupitoulas street and New Levee street respectively, from Canal street to the junction of said streets at St. Mary street; thence a double track on New Levee street to Toledano street. Change of route.
O. S. 6364.
Nov., 1865.

Grant of right
of way to D.
McCoard.
Ord. No. 682
of city of Jef-
ferson.

ART. 2312. (1) That on this 26th of February, 1866, before me, Thomas J. Beck, notary, personally came and appeared, John T. Michel, Mayor of the city of Jefferson, who declared that he does by these presents grant and confirm unto David McCoard, here present and accepting the same, the right of way to make, establish and put in operation, a double track railroad from Toledano street to Joseph street (the boundaries of the said city of Jefferson), in accordance with the terms and conditions of City Ordinance No. 682, and the specifications on file in the office of the Surveyor of the said city of Jefferson and hereinafter set forth, at a bonus of \$250, the said contractor hereby binding himself to build, equip and put in operation, a double track street railway, commencing at Toledano street, at its junction with Tchoupitoulas street, through the middle thereof, from said Toledano street (the lower line of Jefferson City), to Joseph street (the upper line of said Jefferson City), within the time hereinafter specified, and according to the conditions contained in said City Ordinance No. 682, as follows, to-wit:

Route.

Manner of con-
struction.

(a) That the same be constructed as to roadway cars, and in all other respects as required by the city of New Orleans, for its city railroads; the contractor or contractors to put and keep in good repair, by square stone paving or wood, between the rails, and by shells or ballast for three feet on each side of the track, with gradual slope to the gutter; the work to be done under the supervision of the City Surveyor.

Running time.

(b) The cars to be run at intervals not greater than every ten minutes from daylight until 9 o'clock P. M., and every thirty minutes from 9 o'clock P. M. to 11 o'clock P. M., and the fare for any distance up or down not to exceed five cents to each passenger.

Fare.

Term of grant.

(c) The right of way to be sold for twenty years from date of the signing of the contract, and on the expiration or forfeiture of the right of way all the property pertaining to the road to be taken by the city at an appraised value by appraisers appointed by the parties in interest, and in case of their disagreement an umpire

Right of re-
version.

to be appointed by the judge of the district court, whose decision shall be final.

(*d*) The bid to be for so much cash to be paid—Bonus.
one-half at the time of the sale and the other half on the signing of the contract for the right of way—the purchaser to furnish good bond and solvent security in the sum of twenty thousand dollars, for the faithful performance of his contract, and in the case of failure to comply with its particulars, the franchise shall revert to the city, and the property of the road, at the time, shall be taken by the city, as provided in the fourth paragraph of this ordinance.

ART. 2313. (2) And here the said David McCoardAdjudication.
did produce and pay over to the said Mayor the sum of one hundred and twenty-five dollars, said sum being the balance due to the said city of Jefferson, on the bonus given by the said McCoard, for the right of way afore-said adjudicated to him as the last and highest bidder therefor, on the 3d of February, 1866; the said Mayor Michel hereby acknowledging the receipt of the said bonus, for account of said city of Jefferson. The road to be built according to the following terms and specifications.

(*a*) The track shall have a gauge of five feet two andTrack.
five-eighths inches, and shall be composed of wrought iron rails, cypress cross-ties, four feet apart, and string timber four by nine, and shall be laid so as to conform to the lines and grades to be established by the City Surveyor of Jefferson.

(*b*) The earth shall be excavated to a width of notGrading.
less than fifteen feet, and to such a depth as may be necessary to imbed the crossties at the proper level. The original soil between, and level with the top of the crossties, to remain undisturbed, excepting that it shall be well rammed, the space left, after the earth has been rammed from the top of the crossties, to be filled with river sand. When filling, the earth shall be rammed or rolled in layers not to exceed six inches in depth.

(*c*) The earth around the crossties and under theTamping.
string timbers between the crossties, and also on the

outside of the string timber, after the street has been regraded, shall be well tamped.

Crossties. (d) The crossties shall be of cypress, either hewed or sawed, to be six and seven inches thick.

String timber. (e) The string timbers shall be of cypress, four by nine inches, and shall be secured to the crossties by keys. The crossties to be slotted or cut so as each stringer shall drop into the crossties the depth of two inches. The slit being cut seven inches wide at one side of the tie by six and three-fourths inches on the other side, the keys to be so made as when driven they will drive the string timbers upon their outer edges firmly against the side of the slits, the slits being so cut as when the timbers are firmly keyed, their outer edges will be to a gauge of five feet six and five-eighths inches at the joints; each string shall have an equal bearing upon the crossties, and the ends shall have a perfect bearing against each other, and the string timbers on both sides of the track shall not form joints upon the same crossties, but shall break joints upon every sixth, eighth or tenth tie, as the length of the timber may determine. After the timbers have been firmly keyed there shall be cast-iron knee braces spiked to each joint and to the centre of each stringer.

Rails. (f) The rails shall be four inch flat, not less than thirty-three pounds to the yard, the same pattern as used by the New Orleans City Railroad. The bottom groove of the rail shall have a perfectly solid bearing upon the string timber; the rail to be secured by wrought iron belts, and spikes to be driven for every hole in the rail; before the spikes shall be driven, the rails shall be firmly pressed to a solid bearing upon the timber. The rails shall not form joints over the joints of the string timber.

Curves. (g) The curves, whenever they occur, shall be made by the string timbers being sawed off the right curvature and cast-iron rails substituted for the wrought, the cast iron being made of the right curve.

Bridges. (h) At the bridges the string timber must be cut so to allow full passage for the water. Two crossties

placed as close together as possible, and immediately alongside the bridges, and as the top is wood the rail must be let down in the wood, so that the head of the rail and the bridge shall correspond.

(i) The space between the rails of the whole track shall be paved with square stones as far as Levee street is now paved with said material. The balance of the track can be paved or laid with wood in the usual manner. Frame work.

(j) The street shall be shelled or laid with ballast stone, three feet on each side of the track, the same to be raised to a level with the track, with gradual slope to the gutter. Grading and shelling.

(k) The paving, tramwork, bridges and shelling shall be kept in good repair during the stipulated time of the contract.

ART. 2314. (1) That the right of way be and is hereby granted to the Crescent City Railroad Company to lay a single or double track through the following streets, viz.: From Joseph street up Tchoupitoulas, or New Levee, to Henry Clay avenue, out Henry Clay avenue to Magazine street, up Magazine street across Foucher or Park property to Foucher street, up Foucher street to Broadway, out Broadway to Oliver street, up Oliver street to Levee, thence up Levee street to its intersection with Jefferson street in the Seventh District, or Carrollton. The route from the intersection of Elizabeth street and Broadway, around through Oliver street to its intersection with Levee street, shall be a single track, and a single track also from the same first before-mentioned intersection up Elizabeth street through Levee street to its intersection with Millaudon and Oliver. The route through the City Park or Foucher property is granted conditionally that the Park Commissioners relinquish the right of way, and it is understood that the city shall not be required to expropriate the same or enter into any obligation whatsoever to guarantee the route through said park. Right of way.
A. S. 3243.
Sept., 1875.

Route.

Conditional grant through City Park.

In case the railroad company can not make the necessary arrangements to obtain the right of way through Alternate route

Track subject
to change.

said park, as herein provided, then the company shall be allowed to locate their route up Tehoupitoulas or New Levee street from Henry Clay avenue to Broadway, thence by the route previously designated; provided, however, that any grant hereby made for the right of way does not and shall not come in conflict with any grant previously made to any other railroad company which may now be in force. If before the expiration of the charter as herein provided, the purposes of the steamboat and shipping commerce in the Sixth or Seventh Districts demand it, then the railroad company may be compelled by an ordinance of the City Council to change their track, or tracks, at the expense of the said company to meet the new requirements of said commerce.

Single track.

In case the Crescent City Railroad Company shall so elect, it shall have the right to lay a single track, with suitable turnouts, in lieu of the double track, from Joseph street to the terminus before mentioned in the Seventh District of Carrollton.

Motive power.

ART. 2315. (2) That the Crescent City Railroad Company shall be allowed to use a new motive power, known as dummies, for their regular traffic between Jackson street and the upper terminus at Carrollton, and on Sundays also between Jackson street and the lower terminus at Canal street. The dummies to be used shall be fireless engine.

Running of
dummies.

It is understood that in case the running of dummies from Jackson to Canal street, as herein allowed, proves to be not objectionable, then the Council will grant the right to use them over that route on holidays and during the summer months. But the Council specially reserves the right to revoke the privilege of running said dummies between Jackson and Canal streets, even on Sundays, if it should be deemed, after satisfactory investigation, to be detrimental to the public interest, and after due notification to the Crescent City Railroad Company.

Speed.

ART. 2316. (4) That the rate of speed of the dummies shall not exceed eight miles an hour, between Jackson street and the upper terminus at Carrollton, and

shall not exceed five miles per hour between Jackson street and the lower terminus at Canal street. Each dummy shall be supplied with a suitable bell, which must be rung before approaching all crossings of streets on the route from Jackson to Canal street, and also at any other points between Jackson street and the upper terminus at Carrollton, where the Mayor of the city may direct, the Council reserving the right to modify the rate of speed if deemed necessary.

ART. 2317. (5) That the rails used in the construction of the road shall be of the latest and most improved pattern, and such as shall be approved by the City Council. Rails

ART. 2318. (6) That the streets through which the road will be built shall be kept in repair from curb to curb during the continuance of the term embraced in this charter at the expense of said Crescent City Railroad Company. The bridges on the streets between Louisiana avenue and Canal street shall be kept in repair by the city of New Orleans, and all bridges between Louisiana avenue and Carrollton shall be kept in repair by said railroad company; and in case of their failure to perform such obligations after due notification by the Department of Improvements, said repairs shall be made by the city at the expense of said railroad company, and the amount so expended by the city to be recoverable before any court of competent jurisdiction. Streets to be kept in good condition.

ART. 2319. (7) That nothing in this ordinance or in the grant of right of way or other rights, or in the notarial act made in pursuance of this ordinance, shall be construed as binding the city of New Orleans, or making the said city, directly or indirectly, or in warranty for any claims of citizens or corporations on account of said ordinance, grant or notarial act, or any claims for infringement of rights, or damages to persons or property caused by the grantees, or in any way resulting from the construction and operations of said railroad by said grantees, nor for any claims for damages, losses or injury sustained by the said grantees or their successors or assigns, in case they should be de- City not responsible.

prived of their rights or be interfered with in the exercise thereof by any person whatsoever, save it be the lawfully constituted authorities of the city; nor shall the said city be liable for any work done or materials used in paving or repairing said streets in pursuance of this grant or under the direction of and contract with said grantee.

Term of lease. ART. 2320. (8) That the lease of the entire lines shall be extended ten years beyond the time fixed for the expiration of the present charter; but on and after the expiration of the present charter the company shall be subject to taxation. In consideration of the extension of the road herein provided, and the reduction of fare hereinafter provided, the tax of one-eighth of a cent, present capitation on passengers, is hereby abolished, from and after the passage of this ordinance; but in case of failure on the part of the railroad company to fulfil the conditions herein imposed, then the said capitation tax shall continue and be collectible the same as if these stipulations had not been entered into.

Fare. ART. 2321. (9) That the Crescent City Railroad Company shall be required, and it does hereby stipulate to fix the price of six and one-quarter cents each for the transportation of passengers via Tchoupitoulas street, to the upper terminus in Carrollton, and this charge shall be continued until such time as the company may be enabled to pay a dividend of four dollars per share on its stock, after which time the fare shall be reduced to five cents; the par value of said stock being seventy-five dollars per share.

Right of reversion. ART. 2322. (10) That at the expiration of the charter, as herein granted, the roadway, rolling stock, equipments, depots and fixtures, may be taken and paid for by the city at an appraised value, to be ascertained in the following manner, viz.: Two disinterested persons, one to be appointed by the Mayor, and the other by said railroad company, shall fix said value, and in the event of disagreement, an umpire shall be selected by said two appraisers, whose majority decision shall be final; provided, that when the said two appraisers fail

to agree upon an umpire, he shall be selected by a judge of one of the district courts of the parish of Orleans, which judge shall be selected by the two appraisers.

ART. 2323. (11) That whenever it shall become necessary to lower or raise the grade, or change the railroad of the said road or any part thereof, by order of the City Council, such change shall be made by the said company without delay, and at the cost and expense of said company. Changes to be made.

ART. 2324. (12) That permission is hereby granted to the Crescent City Railroad Company to remove their track from Chippewa street to Louisiana avenue, in place of Toledano street, between Tchoupitoulas and Chippewa; provided, the tracks shall be removed at the expense of the company and the streets be placed in good order. To remove track.

ART. 2325. (13) That permission is also hereby granted to the Crescent City Railroad Company to use the iron frame on Canal street, between Chartres and Camp, as their starting place, during the pleasure of the Council. Right to use iron pagoda.

ART. 2326. (14) That the city of New Orleans reserves the right to lay gas and water pipes in the streets named as the route of this railroad, and the city, in executing said work, shall use as much of said streets as may be necessary without becoming liable therefor to the company, or any person or persons whomsoever. Right to lay water and gas pipes.

ART. 2327. (15) That nothing herein granted shall be construed as modifying or changing the present charter, except in cases specially provided herein.

ART. 2328. (1) That the Crescent City Railroad Company be allowed to substitute what is known as the Dean & Coleman pattern of iron for the extension of their road to Carrollton instead of the T rail now prescribed by law; provided, that said rail shall be laid upon a string piece resting upon crossties, and in such manner, and according to such directions, as shall be approved by the City Surveyor. Change of iron rail.
A. S. 3653.
Oct., 1876.

ART. 2329. (1) That in consideration of the Crescent City Railroad Company doing and performing the acts and obligations hereinafter set forth, to-wit: paying all

Conditional
extension of
time of com-
pleting lines to
Seventh Dis-
trict.

A. S. 4951.
March, 1879.

taxes to the city of New Orleans now due, and waiving any and all claims to exemption from future taxation under their present existing ordinances and contracts with the city of New Orleans, and in consideration of the said Crescent City Railroad Company repairing and keeping in repair during the term of their contracts all the bridges and streets from curb to curb through which their lines of road now run or may hereafter run under their rights of way acquired by contracts with the city of New Orleans; and in the further consideration that the said company shall continue to run its cars to the present terminus, the Upper City Park, as at present, fare not to exceed five cents each way, and in the further consideration of said company completing their lines of tracks to the Seventh District of this city, formerly Carrollton, as specified in Ordinance No. 3243, Administration Series, at such time and as soon as the number of residents along the lines of their road between its present terminus, the upper city park, and the Seventh District of this city, will justify the cost and expense of extension and make it profitable to do so; the time to be determined by a committee of arbitration, consisting of two members, to be selected as follows: One arbitrator to be selected by the city of New Orleans upon application of the residents of that portion of the city, as referred to above, one to be selected by the Crescent City Railroad Company. The two thus selected, in case of disagreement, to select an umpire, whose decision shall be final and binding upon both parties. The City Council of the city of New Orleans hereby repeals such provisions of Ordinance No. 3243, Administration Series, as fix or limit the time for the completion of the Crescent City Railroad Company's lines to the Seventh District of this city, formerly Carrollton, and that portion of said Ordinance No. 3243, Administration Series, that contains an obligation for the non-fulfilment of the conditions therein imposed.

Partial repeal.

ART. 2330. (2) That all other provisions of said Ordinance No. 3243, Administration Series, not in conflict with the provisions of this ordinance, shall remain in

full force and effect, and that nothing herein shall be construed as modifying or changing the present character, ordinances and contracts, except as herein specially provided.

Other provisions of ordinance to remain in force.

ART. 2331. (4) That the Crescent City Railroad Company hereby waive any and all objections, legal or otherwise, to the city of New Orleans, granting by ordinance the right of way to any other railroad to the Seventh District of the city of New Orleans, formerly Carrollton, via Magazine street, across the Foucher Park property to Foucher street, up Foucher street to Broadway, out Broadway to Oliver street, up Oliver street to Levee, to its intersection with Jefferson street, in the Seventh District of this city, formerly Carrollton; provided, that the Crescent City Railroad Company has not completed its lines as stipulated in section 1 of this ordinance, at the time such permission is granted.

Waiver.

Tchoupitoulas, Annunciation, Chippewa and Pleasant Streets.

ART. 2332. (1) That the Mayor of the city be and he is hereby authorized and empowered to enter into contract, by notarial act or otherwise, with David McCoard, for the sale of the right of way to establish a branch railroad on the following streets, to-wit: Starting from a separate stand on neutral ground, Canal street, at the corner of Camp street, with a track of one hundred and fifty feet, more or less, running into the main track of the New Levee street road, and following said track up Tchoupitoulas street to the junction of said street with Annunciation street; thence up Annunciation street, passing on the northwest side of Annunciation Square to Pleasant street; up Pleasant street to Chippewa street; down Chippewa street, passing on the southeast side of Annunciation Square to Race street; through Race street to Annunciation street; down Annunciation street to Delord street; up Delord street to New Levee street, and there connecting with the down track of the New Levee street road. Also permission to lay a track on

Sale of right of way.
O. S. 6395.
Dec., 1865.

Route.

Philip street, from Chippewa street to Levee street, connecting with the stables on Philip street; provided, the same be constructed, equipped and run at the same rate and under the same terms and conditions as laid down in City Ordinance No. 6323, approved August 7, 1865, with the following exceptions, to-wit: The work to be commenced on or before June 1, 1866, and to be finished and the cars running by January 1, 1867; the iron rail used to be thirty-three pounds to the yard, with proportionate timber; the cars to run every seven minutes, instead of five; and the bonus to be nine-sixteenths of one cent for each and every passenger carried.

Extension and
change of
route.
N. S. 41.
Jan., 1867.

ART. 2333. (1) That permission be and the same is hereby granted to David McCoard to extend his railroad on Annunciation and Chippewa streets to Toledano street instead of Pleasant street.

Stand and turn-
table.
N. S. 748.
Oct., 1867.

ART. 2334. (1) That the Crescent City Railroad Company be and is hereby authorized and requested to extend its road, constructed and organized by virtue of an adjudication made to David McCoard, under ordinances numbered 6345 and 6364, to the river side of the intersection of Camp and Canal streets, and to establish a stand and turntable on neutral ground, Canal street, at the said corner of Camp and Canal streets.

Reduction of
bonus.
N. S. 1443.
May, 1869.

ART. 2335. (1) That the bonus now paid by the Crescent City Railroad Company, and by the St. Charles Street Railroad Company, pursuant to their contracts with the city of New Orleans, for the right of way for their several tracks, be and the same is hereby reduced to one-eighth of one cent per each passenger carried; the consideration being that the said railroad company do now abandon their rights to the separate tracks now used by them on Canal street, and shall, within a reasonable time, conform to the plan of Louis Surgi, City Surveyor, now on file in his office, for a trunk railroad on Canal street.

Camp, Coliseum, Chestnut, Front and Calhoun Streets.

Right of way.
A. S. 992.
July, 1871.

ART. 2336. (1) That the right of way and privilege is hereby granted to Shelby Seymour and his associates

of constructing, laying out and working a street railroad, with the necessary turnouts, switches, turntables, through the following named streets, to-wit: Commencing at the junction of Camp and Prytania streets and passing thence a single track along the west side of Camp street to Coliseum street, along Coliseum street to Felicity street, along Felicity street to Chestnut street, along Chestnut street to the street forming the lower line of the Foucher property, along said street to the Mississippi river, returning along Front street to Calhoun, along Calhoun to Camp, and thence along Camp to the point of starting at the junction of Camp and Prytania streets; and that the said right of way and privilege is granted upon the following terms and conditions:

Route.

(a) That the rails used shall be of a pattern similar to those now in use by other city railroads. The timber used shall be of the best quality of swamp cypress or upland yellow pine, free from sap, and of such dimensions as may be designated by the City Surveyor.

Rails.

Lumber.

(b) That the cars shall be of like construction with first-class cars used upon other city railroads.

Cars.

(c) That the lines and levels of the road shall be fixed by the City Surveyor, and its material and construction shall be subject to the approval of the City Surveyor and Administrator of Improvements.

Lines and levels.

(d) That the rate of fare for the whole distance shall not exceed 5 cents for each passenger, and the cars shall not be run at a speed exceeding six miles per hour.

Fare.

Speed.

(e) That the railroad cars, mules, machinery, fixtures and the property of the company shall be subject to assessment and taxation, in manner and form as other taxable property in the city is assessed.

Annual taxation.

(f) That at the expiration of said grant of right of way, the road, the rolling stock, equipments, machinery, depots, fixtures and the property and effects appertaining to the company shall be subject to be taken by the city, at a valuation to be fixed by two disinterested persons, one to be appointed by the Mayor of the city, and the other by said grantees or their assigns. In the event

Right of reversion.

that the said two appraisers shall not agree, then another shall be selected by them, whose decision as umpire shall be final; and in the event of a failure thus to appoint an umpire, the valuation shall be determined by one of the district courts of New Orleans having jurisdiction over the matter, with the right of appeal to the Supreme Court of the State.

Term of grant. (g) That the said railroad shall be completed and opened for public use by the 1st day of January, 1874, and the right of way and privileges granted herein shall continue twenty years from and after the opening and completion of said road.

Streets to be kept in good condition. (h) That the street through which said grant extends, as well as the bridges thereon, shall be kept in good running order, during the term of this privilege, by the company.

Running time. (i) That in order to provide for an accommodation of the people of the Sixth District, not heretofore enjoyed, it shall be the duty of the said grantees, upon the completion of said railroad, to run at short intervals from 5 o'clock A. M. until 12 o'clock at night, and after that hour at intervals of not less than one hour each way until 5 o'clock A. M., when short intervals must be resumed.

Repairs made by city at expense of grantees. (j) That whenever the Administrator of Improvements may become aware that said grantees have failed to keep any street in repair, according to the provisions of the foregoing articles, the said Administrator may issue a written notice to them at their domicile requiring said repairs to be done, and, if the said work is not begun within forty-eight hours from the service and completed within a reasonable time, then said Administrator may cause said work to be done at the charge and risk of said grantees, who shall be liable for all costs and expenses which may be incurred in executing said repairs, and shall reimburse the same to the city on demand.

Motive powers. (k) That the said Shelby Seymour, his associates and assigns, and their successors, shall have the right of employing and using in the running of their cars any

other motive power instead of horses and mules, which may be adopted or found practicable for the purpose, subject however, to the police power of the city relative thereto.

(l) That the said grantees shall agree to all the provisions of this ordinance within sixty days after its passage, by act before any competent notary public, or failing therein, this ordinance to be null and void; but nothing in the provisions of this ordinance shall be construed into an obligation on the part of said grantees to repair said streets until the completion of said railroad.

Conditional
annulment of
ordinance.

(m) That the city of New Orleans reserves the right to lay gas and water pipes in the streets named as the route of this railroad, and the said city, in executing said work, shall use as much of said streets as may be necessary, without becoming liable for damages or otherwise to said grantees.

Right of city
to lay gas and
water pipes.

(n) This ordinance is not to be construed as granting to the said company any more than the right of way, and to that extent only is the city to be bound; and if compensation for the use of any of the streets, if set up by private individuals or owners of property, the city is in no way or manner to be made liable therefor to the company, or any person or persons whomsoever.

City not re-
sponsible.

ART. 2337. (1) That a continuation of the right of way existing in favor of Shelby Seymour and Charles H. Chase, by virtue of the provisions of Ordinance No. 992, is hereby granted to said contractors by a single track connecting with the route on Camp street, commencing at the junction of Camp and Prytania streets, and crossing Prytania street, running thence along Calliope to St. Charles, along the east side of St. Charles to Tivoli Circle, around Tivoli Circle to St. Charles, thence along the east side of St. Charles to the trunk road on Canal street, along said trunk road to the common turning point near the levee, and returning by said trunk road to Carondelet, across Canal street and up the west side of Carondelet to Clio, thence along Clio to the intersection of the route, up Coliseum and Chestnut streets, sub-

Continuation
of right of way.
A. S. 1222.
Nov., 1871.

Route.

ject to all the conditions and regulations existing by virtue of the provisions of said Ordinance No. 992, and the contracts of the city with other street railroads.

Conditions of
grant.
A. S. 1222.
Nov., 1871.

ART. 2338. (2) This extension is granted upon the condition that said contractors or their assigns shall pay to the Administrator of Finance in the city of New Orleans as a bonus for this continuation of the right of way the sum of thirty thousand dollars; and further, it is understood the railroad Ordinance No. 992, so continued, is still liable for the usual taxation therein named, as this bonus of thirty thousand dollars in no way exempts it therefrom.

FOUCHER PARK, MARKET STREET TO CARROLLTON.

Right of way
through City
Park and
Market street.
A. S. 1192.
Nov., 1871.

ART. 2339. (1) That the right of way and privilege for a double track street railroad through the Foucher Park ground and Market street, in Faubourg Greenville to the lower line of Carrollton, is hereby granted to Shelby Seymour and his assigns, subject to the same obligations and stipulations as exist between the city and the said Shelby Seymour and his assigns, by virtue of the provisions of Ordinance 992, Administration Series, and subject to the approval of this grant by the Park Commissioners.

Magazine, Broadway, Felicia and Lowerline Streets.

Right of way.
A. S. 2074.
April, 1873.

ART. 2340. (2) That permission be and the same is hereby granted to the owners of the Magazine Street Railroad to lay a double track railroad, with the necessary turnouts, switches and turntables, at the intersection of Magazine street and Broadway; down Broadway to the intersection of Felicia street, up Felicia street to the intersection of Lowerline street, up Lowerline street to the intersection of Macarty street, in the city of Carrollton, upon the following terms and conditions:

Route.

Ib.

Rails.

Ib.

(a) That the rails used shall be of a suitable pattern, similar to those now in use by other city railroads. The timber used shall be of the best quality of swampypress, or upland yellow pine, free from sap, and of such dimensions as may be designated by the City Surveyor.

(b) That the cars shall be well adapted to the purpose intended, and of like construction with first-class cars used upon the city railroads in other large cities in the United States. Cars.

(c) That the lines and levels of the road shall be fixed by the City Surveyor, and its material and construction shall be subject to the approval of the City Surveyor and Administrator of Improvements. Lines and levels.

(d) That the rate of fare for the whole distance of the road shall not exceed five cents for each passenger, and the cars shall not be run at a speed exceeding six miles per hour. Fare.
Speed.

(e) That the cars, mules, machinery, fixtures and the property of the company shall be subject to assessment and taxation in manner and form as other taxable property in the city is assessed. Annual taxation.

(f) That at the expiration of said grant of right of way the city of New Orleans shall have the right to purchase and take the road, rolling stock, equipments, machinery, depot fixtures, the property and effects, mules and horses, and all rights, grants, franchises and privileges appertaining to the company and its said road, at a valuation to be fixed by two disinterested persons, one to be appointed by the Mayor of the city and the other by said grantees or their assigns. In the event that said two appraisers shall not agree, then another shall be selected by them, whose decision as umpire shall be final, and in the event of failure thus to appoint an umpire, the valuation shall be determined by one of the district courts of New Orleans having jurisdiction over the matter, with the right of appeal to the Supreme Court of the State. Right of reversion.

(g) That the streets, from curb to curb, through which said grant extends, as well as the bridges thereon, shall be at all times kept in good running order and condition, during the entire term of this privilege, by the owners of this road. Streets to be kept in good condition.

(h) That in order to provide for the accommodation of the people of the Sixth District, it shall be the duty of the said grantees, upon the completion of said rail- Running time.

road, to run their passenger cars at intervals of not less than thirty minutes, from 5 A. M. until 12 o'clock at night.

Repairs made
by city at
expense of
grantees.

Penalties.

Conditional
nullity of ordi-
nance.

Right of city
to lay gas and
water pipes.

(i) That whenever the Administrator of Improvements may become aware that said grantees having failed to keep any street in repair, or to do any work thereon according to the provisions of the foregoing articles, the said Administrator may issue a written notice to them at their domicile, requiring said repairs or work to be made or done, and if the said repairs or work is not begun within forty-eight hours from the service of said notice, and completed within a reasonable time thereafter, then, and in that event, said Administrator may cause said repairs or work to be done at the charge and risk of said grantees, who shall be liable for all costs and expenses which may be incurred in executing said repairs or work, and be subjected to a fine of twenty-five dollars per day for every day they shall neglect to comply with said notice, and the said grantees shall reimburse to the city, on demand, the amount of all costs, expenses, damages and outlays, to which she may be subjected, and shall pay and discharge, without default, the fine aforesaid.

(j) That the said grantees shall agree to all the provisions of this ordinance within thirty days after its passage, by an act to be executed before the City Notary Public, and failing therein, this ordinance shall, *ipso facto*, become null and void, but nothing contained in this ordinance shall be construed into an obligation on the part of said grantees to repair said streets, except as the said road may, from time to time, be constructed and laid.

(k) That the city of New Orleans reserves the right to lay gas and water pipes in or across the streets named as the route of said railroad, and the city in executing said work shall use as much of said streets as may be necessary without, in any way or manner, becoming liable for damages or otherwise to said grantees or any other person or persons whomsoever.

(l) This ordinance is not to be construed as granting

to said owners any more than a right of way, and to that extent only is the city to be bound, and if compensation for the use of any of the streets, or any part thereof, is set up by private individuals or owners of property, the city is in no way or manner to be made liable therefor to the owners of the railroad or any person or persons whomsoever; and it is fully understood and declared that the grantees of the rights and privileges herein conveyed shall and do release the city of New Orleans from any and all claims for damages or otherwise, and shall, without delay, dismiss at their own costs all suits against the city, heretofore brought, or that may be now pending.

(m) That the right of way and privileges herein granted shall continue for and during the term of twenty-five years, commencing from the date of this ordinance; provided, that said road shall be completed within three years from such date.

ART. 2341. Whereas, the right of way for a street railroad having been granted by and under Ordinances Nos. 992, 1192 and 1222, A. S., from Canal through Carondelet to and through Clio, to and up Coliseum and Chestnut streets, to the City Park and Mississippi river, and thence returning to and down Camp, to and through Calliope, to and down St. Charles street to Canal street;

And Whereas, the commencement and completion of said road has been delayed and prevented to the present time by legal proceedings;

And Whereas, the contractors are now willing to comply with the terms and conditions of said ordinance; therefore, be it ordained:

ART. 2342. (1) That the City Surveyor be and is hereby authorized and directed to furnish and deliver to the grantees of said rights or their assigns the necessary lines and levels required by said ordinance.

Lines and
levels.
A. S. 6192.
Nov., 1879.

ART. 2343. (2) That the term of twenty years for which said privilege was granted, shall commence from the date at which the City Surveyor shall inform the Council of the completion of the track and the running of the cars thereon, which term, for the completion of

Date and term
of grant.

the track and running of said cars, is hereby limited to two years from the passage of this ordinance.

Terminus. ART. 2344. (3) That the privilege of terminating said road at Louisiana avenue, until such time as the number of residences above said avenue shall warrant the continuation of said road, is hereby granted to the said grantees or their assigns, the rate of fare not to exceed five cents each way.

Fare.

Right to connect. ART. 2345. (4) That by and with the consent of any other street railway company now having tracks running from the upper portion of the city to Canal street, the right of way and privilege is hereby granted of connecting the Coliseum Street Railway with, and of running the cars of the said Coliseum street road upon the tracks of the said other roads through Clio or Calliope streets, during and for the period of this grant, it being expressly understood that no authority is hereby conferred, nor shall the city of New Orleans be in any manner liable for any interference under this ordinance with the rights of any other street railway companies, and that this privilege shall not be in lieu of any rights conferred by Ordinance Nos. 992, 1192 and 1222, but in addition thereto.

Change of route. ART. 2346. (5) That the privilege is hereby granted to said contractors or their assigns to run the down track of the Coliseum street road from Camp street through Felicity or Race street to and down Coliseum street to Clio or Calliope street, instead of running said tracks down Camp to Calliope street as provided in the ordinances heretofore passed and above referred to.

Bonus. ART. 2347. (6) That in addition to the sum of thirty thousand dollars, amount of bonus to be paid by said contractors or their assigns to the city of New Orleans, which amount has been paid, and the receipt of which is hereby acknowledged, said grantees or their assigns shall pay the further sum of ten thousand dollars as a bonus for the changes herein made, and the privileges conferred by this ordinance immediately upon the passage of the same.

ART. 2348. Whereas, it is proposed under and by

virtue of Ordinance 6192, A. S., that the Coliseum Street Railroad shall occupy, with the Crescent City Railroad, the stand on Canal street, between Camp and Magazine streets, now used by the Crescent City Railroad Company, the latter company consenting thereto; and, whereas, certain changes of lines for a stand are necessary to make said connection.

To occupy
stand on Canal
street.
A. S. 6682.
July, 1880.

ART. 2349. (1) Said change of lines and use of a turntable for a stand shall be made under the direction of the City Surveyor and Administrator of Improvements, and that the Crescent City Railroad Company, upon the completion of said arrangement with the Coliseum Railroad Company grantees, shall be relieved from any obligation requiring the use of lines for a stand other than those adopted under this ordinance, or from any obligation that might arise from not using lines or turntable for a stand other than those directed by the City Surveyor and Administrator of Improvements under this ordinance.

Turntable.

ART. 2350. (1) That permission be and is hereby granted to the Crescent City Railroad Company to connect the Coliseum, Chestnut & Camp Street Railroad and the upper Magazine Street Railroad tracks, through Louisiana avenue, upon lines and levels to be furnished by the City Surveyor and approved by the Administrator of Improvements; said connection to form one continuous line on which only one fare, not to exceed the sum of five cents each way, shall be charged, between Canal street in the First District, and Joseph street in the Sixth District.

Right to connect.
A. S. 6657.
Oct., 1880.

ART. 2351. (2) That in consideration of this privilege of connection on Louisiana avenue, and the charge of only one fare (five cents) as per section 1, and the extension of said line to Carrollton, within twelve years, the time of which the right of way has been granted to the Upper Magazine line is hereby extended so as to expire at the same period of time as that granted the Coliseum, Chestnut & Camp Street Railroad, and that the right of way heretofore granted to the said Coliseum, Chestnut & Camp Street Railroad above Louisiana avenue

Extension of grant.

is hereby abrogated, canceled and annulled; provided, the Crescent City Railroad Company accepts in writing (through the proper officers of said company) the provisions and conditions of this ordinance within five days from the date of its promulgation.

To connect
Philip street
station with
Camp street
track.

ART. 2352. (3) That the privilege is hereby given of connecting the station of the Crescent City Railroad Company, on Philip, near Tehoupitoulas street, with the Camp street track of the Coliseum, Chestnut and Camp street line, through Philip street. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Repealing
clause.

Location of
rails.
A. S. 6736.
Dec., 1880.

ART. 2353. (1) That the City Surveyor in giving the lines of the Coliseum route of the Crescent City Railroad Company on St. Charles and Carondelet streets is hereby instructed to place one rail on each side of the present tracks of the St. Charles Street Railroad Company, at the proper gauge, thereby fixing the tracks of both companies at an equal distance from the centre of the street, the west track on St. Charles street and east track on Carondelet street, for the use of the St. Charles Street Railroad Company, and the east track on St. Charles street and west track on Carondelet street, for the use of the Crescent City Railroad Company.

Expense and
labor and ma-
terial.

ART. 2354. (2) That all the labor and material necessary for the work shall be at the expense of the Crescent Railroad Company, and the change made in such manner as shall not stop the running of the St. Charles Street Railroad Company, or impede the use of the streets.

Right to lay
track.

ART. 2355. (3) That the provisions of this ordinance shall not deprive the Crescent City Railroad Company of its rights to lay its tracks, as now provided by law, in the event of any legal obstacles arising to prevent the work.

Conditional
grant to run
track alongside
Camp street
canal.

A. S. 6890.
Feb., 1881.

ART. 2356. (1) That in consideration of the Crescent City Railroad Company riveting, covering and flooring the Camp and Coliseum Street Canal, from Race street to the lower end of the Coliseum Square or Park, at their own expense, in accordance with the plans and

specifications on file in the office of the City Surveyor, the city to furnish and do any necessary filling, the privilege is hereby granted to said company of running the down track of their Coliseum, Chestnut and Camp street line on said canal, along its west branch or side, from Race street to the lower end of said Coliseum Square or Park, and thence into and down Coliseum street, on the west side of said canal, as heretofore provided, during and for the term of the Coliseum Street Railroad grant; it being understood that this privilege shall not prevent said company from exercising the rights heretofore granted them by removing said tracks to the route or routes heretofore stipulated, should they elect to do so, whenever litigation now preventing the exercise of said rights shall have been decided in their favor; the revetment, covering and flooring of said canal, for the distance used for said tracks, to be kept in repair at the expense of said company only while so used.

ART. 2357. That the privilege is hereby granted to said Crescent City Railroad Company to connect the Coliseum Line with their tracks on Annunciation street by running through Erato street with a double track, instead of Calliope street, as heretofore provided, and shall have the right to run the cars of their Annunciation Street Line in conjunction with the Electric Traction and Manufacturing Company, through these connections over the tracks of the Coliseum Street Line to and from the Canal street terminus.

Change of
route.
Ord. No. 4348,
C. S.
Mar. 5, 1890.

ART. 2358. The company obligating itself to pave with Rosetta gravel and keep in repair from curb to curb that portion of Erato street through which this connection runs, and to hold the city harmless and defend her in any litigation with others that may arise out of the provisions of this ordinance; provided, that nothing herein shall be construed as in any manner altering or changing the schedule for running on existing tracks of the Annunciation Street Line.

Consideration.

ART. 2359. (3) That it is understood and agreed that this ordinance shall not be construed as depriving the Crescent City Railroad Company of any rights now ex-

Existing right
not impaired.

isting, and shall not bind said company to its terms and provisions in event of any obstacle arising to prevent compliance with any of its terms and provisions.

To stable
horses on Front
street.
A. S. 7256.
Aug., 1881.

ART. 2360. (1) That permission be and is hereby granted to the Crescent City Railroad Company to stable twenty horses at No. 4 Front street, between Canal and Crossman streets, the same revocable at the pleasure of the Council.

See Ordinances O. S. Nos. 6323, 6345, 6364, 6395; N. S. 41, 748, 1253, 1443; A. S. 262, 992, 1192, 1222, 1468, 2074, 3243, 3327, 3534, 3653, 4311, 4951, 6192, 6209, 6226, 6582, 6657, 6736, 6890, 7256, 7340, 7371. Ord. 682, City of Jefferson.

Paving with
granite stone.
Ord. No. 7829,
A. S.
May 16, 1872.

ART. 2361. (1) That in consideration of the Crescent City Railroad Company paving with granite stones, according to specifications to be drafted by the City Surveyor and approved by the Administrator of Improvements, an amount of square yards of roadway, wherever selected by the Administrator of Improvements, equal to the amount of paving on Canal street fronting the said Crescent City Railroad Company's property and the intersection of Wells and Canal streets, these two amounts being the city's portion of square block paving already constructed by the Louisville & Nashville Railroad Company. The same to be completed within six months of notification from the Administrator of Improvements, and the said company to keep thereafter, and for all time to come, the said streets in repair from curb to curb. The said Crescent City Railroad Company shall have the privilege during the term of their present charter of using a turntable on Wells street, at the entrance of their station, and connecting tracks now used by said railroad company on Canal street, with said table for the purpose of running their cars to and making said table the terminus of their Canal, Coliseum & Upper Magazine Street Line.

Keeping street
in repair.

Turntable on
Wells street.

Turntable,
Octavia and
Magazine street

ART. 2362. (2) That said company shall have the privilege of placing the turntable now at Joseph and Upper Magazine streets, at the corner of Octavia and Magazine streets, for the purpose of turning the cars of said Coliseum Street Line at that point on their return trips.

ART. 2363. (3) That said Crescent City Railroad Company shall have the privilege of connecting their Tehoupitoulas and Coliseum lines by a single track through Octavia street. The work to be done according to lines and grades to be given by the City Surveyor, and the whole to be constructed to the entire satisfaction of the Administrator of Improvements.

Single track,
Octavia street.

ART. 2364. The Crescent City Railroad Company has contracted with the Electric Traction and Manufacturing Company to substitute electric storage batteries on all of its lines of railroads in lieu of animal power, as a motive power for its cars, and

The said Electric Traction and Manufacturing Company is the transferee of the franchise granted by this Council to W. J. Behan, Maurice J. Hart and E. H. Farrar.

ART. 2365. That the Crescent City Railroad Company is hereby authorized, under the contract with the Electric Traction and Manufacturing Company, to substitute storage battery cars for cars propelled by animal power on all its lines of railroads in the city of New Orleans.

Storage bat-
tery cars.
Ord. No. 4239,
C. S.
Jan. 28, 1890.

ART. 2366. That the Comptroller be and is hereby authorized and directed to advertise according to law, and to sell in block at public auction to the highest bidder an extension of the following-described street railway franchises now owned and operated by the Crescent City Railroad Company, for fifty years from the date of the expiration thereof, upon the following terms and conditions, and fixing the specifications; provided, however, that all bids shall be subject to rejection by the City Council.

Sale at pub-
lic auction.
Ord. No. 6762,
C. S.
Oct. 25, 1892

Extension of Franchises for 50 Years.

ART. 2367. The right to construct, maintain and operate for fifty years lines of street railway for the carrying of passengers over the following described routes:

Description
of franchises to
be sold.

The Tchoupitoulas Street Line.

Commencing on the neutral ground of Canal street, near Camp street, out the south side of said neutral

Route.

ground with single track to Tchoupitoulas street, up Tchoupitoulas street with single track to St. Mary street, thence by double track, one up and one down, to Boulevard street, and from St. Mary street down South Peters street to the north side of the neutral ground of Canal street to near Camp street, with right of switches and turntables on neutral ground on Canal street, and on other streets, where necessary, and all turnouts into station houses. The present franchise, of which this is an extension, expires on the 30th day of August, 1901.

The Annunciation Street Line.

Route.

ART. 2368. Over the Tchoupitoulas street line, from Camp and Canal streets to St. Mary Market, thence by single track up Annunciation street to Delord street, thence by double track to Race street, thence with single track around Annunciation Square to Annunciation street, up Annunciation street to Felicity road, through Felicity road to continuation of Annunciation street, up Annunciation street to Toledano street to Tchoupitoulas street, up Tchoupitoulas street over the Tchoupitoulas Street Line to Louisiana avenue, through the north side of Louisiana avenue to Water street, down Water street to Toledano street, down Toledano street to Chippewa street, down Chippewa street to Felicity road, through Felicity road to the continuation of Chippewa street, down Chippewa street to Orange street, thence around the east side of Annunciation Square to Annunciation street, thence over the double track, above described, to Delord street, thence with single track through Delord street to South Peters street, and thence over the Tchoupitoulas street line to Camp and Canal street, with right to construct switches, turntables and turnouts to station houses. The franchise of which this is an extension expires on the 30th day of August, 1901.

Terms and conditions, see Arts. 2372 to 2379 inclusive.

ART. 2369. That the Comptroller be and he is hereby authorized and directed to advertise, according to law,

and to sell at public auction to the highest bidder, an extension of the following-described street railway franchise, now owned and operated by the Crescent City Railroad Company, for fifty years from the date of the expiration thereof, upon the following terms and conditions, and fixing the specifications; provided, however, that all bids shall be subject to rejection by the City Council.

Sale at auction.
Ord. No. 6870,
C. S.
Oct. 25, 1892.

ART. 2370. The right to construct, maintain and operate for fifty years line of street railway for the carrying of passengers over the following-described route, to-wit:

Description
of franchise to
be sold.

The Coliseum Street Line.

ART. 2371. Commencing at the turntable on Wells street, between Canal and Crossman streets, thence out Wells street to the single track trunk road on the north side of Canal street, thence over the said trunk road to Carondelet street, up the west side of Carondelet street, with single track, to Clio street, out Clio street to West Camp street, up West Camp street to Coliseum street, up Coliseum street to Felicity road, through Felicity road to Chestnut street, up Chestnut to south side of Louisiana avenue, out the south side of Louisiana avenue to Upper Magazine street, thence with double track, up and down, through Upper Magazine to Walnut street, and beginning again with down track at the corner of Upper Magazine and Louisiana avenue, through the north side of Louisiana avenue to Camp street, thence down Camp street to Calliope street, through Calliope street to St. Charles avenue, through the east side of St. Charles avenue to Lee Circle, around the east side of Lee Circle to St. Charles street, thence along the east side of St. Charles street to the trunk road on the south side of Canal street, and along said trunk road to the turntable on Wells street, aforesaid, with the right to construct proper switches, turntables and turnouts to stations. The franchise of which this is an extension expires on the 1st day of September, 1901.

Route.

ART. 2372. The purchaser shall assume and hold the city of New Orleans harmless and free from all obliga-

Terms and conditions contained in her contracts with the Crescent City Railroad Company. Every bidder for the purchase of said franchise shall, as a condition precedent to the receiving of such bid by the City Comptroller, deposit with the City Treasurer the sum of fifty thousand dollars (\$50,000) in United States currency, and shall at the time of bidding file receipt therefor with the Comptroller, and no bidder shall be considered who has failed to file the receipt of the City Treasurer with the City Comptroller showing that he has made such deposit. The deposits of all unsuccessful bidders shall be immediately returned to them, and the fifty thousand dollars of the highest bidder shall be held as security that he will sign the contract, in case his bid is accepted by the City Council, and give the bond required for the completion of the work; and in case of the failure of the successful bidder to sign the said contract, and give the said bond the said fifty thousand dollars shall be forfeited to the city as liquidated damages.

Contract and
bond.

ART. 2373. The successful bidder shall be required
Ib. within ten days of the acceptance of his bid by the City Council, to enter into notarial contract before the City Notary with the city of New Orleans embodying all the terms and stipulations in this contract, and shall be required at the time the said contract is signed to give to the city of New Orleans a bond in the full sum of the amount of his bid, conditioned upon his faithful compliance with all the provisions of this ordinance and of his bid, said bond to continue and be in force until the expiration of the franchise sold. In case the Crescent City Railroad Company is the successful bidder said bond shall operate as a conventional mortgage for the amount of the bid upon all of its property and franchises. In case any other person is the successful bidder, he shall give a bond, with mortgage on real estate, to the amount of his bid, with the privilege of substituting the mortgage on said real estate with a mortgage on the railroad and its franchises owned and constructed by him under said franchise. Said bond shall be executed

to the satisfaction of the Mayor. The price bid shall not be paid at the time of adjudication, but the bidder shall be obligated to expend the same in street paving in the city of New Orleans, to be commenced and finished at such time after the signing of the contract, and on such street and with such material as the City Council may designate; all contracts for such pavements to be paid for by the purchaser, to be let to the lowest bidder by the authorities on plans and specifications prepared by the City Engineer, and the amount due on each of said contracts, up to the amount of the bid, to be paid by the bidder within twenty-four hours after same is due and demand is made therefor by the proper authorities.

ART. 2374. Tracks shall be of a girder rail, of style, dimensions and weight, and manner of laying same, all to be approved by the City Engineer. All the streets through which the tracks of this franchise now run, described above, or may run under the provisions of this franchise, shall be maintained in first-class order between tracks and one foot on each side of said tracks.

Tracks. Ib.

ART. 2375. Cars shall be of a pattern and build subject to the approval of the City Engineer.

Cars. Ib.

ART. 2376. The motive power shall be animal. Speed of cars shall not exceed twelve miles per hour except by consent of the City Council.

Motive power and Speed. Ib.

ART. 2377. The fare shall be five cents for any distance, except after 12 o'clock midnight, and until 5 o'clock A. M., during which period of time the fare shall be ten cents for any distance.

Fare. Ib.

ART. 2378. At the expiration of the aforesaid franchise, to-wit: On the 1st day of September, A. D. 1951, the said, the railroads' rolling stock, equipment, fixtures and depots, shall revert to the city of New Orleans on a valuation to be ascertained by two disinterested persons, one to be appointed by the city of New Orleans and the other by his purchaser or his assigns; and in the event of the disagreement as to the said valuation between said persons thus appointed, a third person, or umpire, shall be appointed by the Civil District Court, or its lawful

Right of reversion. Ib.

successor, and the decision of the said umpire shall be final.

Right to as- ART. 2379. The purchaser of said franchise shall have
sign. ib. the right to assign the same to any person or corporation
competent to hold and exercise the same.

Judah Hart's ART. 2380. Nothing in this ordinance shall be held
franchise. ib. to conflict with the right of way for a street railroad
sold to Judah Hart under Ordinance No. 5784, C. S.,
and the purchaser of this extension and the said Judah
Hart shall be required to use the same tracks where the
two franchises cover the same route, under such mutual
agreement as to construction, ownership and maintenance
of said tracks as they may agree upon.

Accepting bid ART. 2381. (1) That the bids of Judah Hart and R.
of Judah Hart
and R. T. Mc- T. McDonald, for the extension for fifty years of the
Donald.
Ord. No. 7243. Tchoupitoulas and Annunciation Street Lines of the
C. S.
Feb. 28, 1893. Crescent City Railroad Company, under Ordinance No.
6762, C. S., also their bid for the extension for fifty
years of the Coliseum Street Line of the Crescent City
Railroad Company, under Ordinance No. 6870 C. S.,
be and the same are hereby accepted, and that the
Mayor be directed and instructed to enter into notarial
contracts with the said Judah Hart and R. T. McDonald
or assigns; provided, that in addition to the said cash
bid of one hundred and fifty thousand (\$150,000) dol-
lars for its two franchises, they will enter into a con-
tract with the city of New Orleans to do the following
permanent improvements:

Square Block Paving to be Relaid.

Square block ART. 2382. All streets through which the tracks of
paving to be re- the Crescent City Railroad Company's lines now run,
laid. ib. namely, Tchoupitoulas, Annunciation and Peters streets,
which are paved with square blocks, where directed by
the City Engineer, shall be taken up from curb to curb,
and the whole laid at such grade as the City Engineer
shall establish.

Paving. ART. 2383. It is further agreed that they shall, at their
ib. own cost and expense, pave both Chestnut and Camp

streets from the upper side of Felicity road to the upper side of Louisiana avenue. This work shall be commenced within four months from the signing of the notarial contract, and be completed within one year thereafter. The space between the track and for a distance of one foot outside of the rail on the said Chestnut and Camp streets shall be paved with Belgian block. The balance of the streets shall be paved with good concrete gravel, on plans and specifications to be furnished by the Civil Engineer, and the work shall include curb, counter curb, gutter bottoms, brick culverts, iron bridge tops, Belgian block, cross-walks and iron-gutter crossings with the name of the street thereon. On such blocks on the line of these two streets, namely, Chestnut and Camp, where the majority of the curbing is of stone, the new curbing necessary and the counter-curbing and wings will be of the same material, and the gutter bottoms will be of concrete, laid in a bed of six inches of concrete gravel, otherwise the curb, counter-curb, gutter-bottoms and wings to be of heart cypress.

ART. 2384. (2) That if the purchasers so elect they shall have the right to pay the whole amount of their bids in cash at the time of signing the notarial contracts, or to give the real estate bond provided for in the specifications.

Payment. Ib.

ART. 2385. (3) That the said Judah Hart and R. T. McDonald do further obligate and bind themselves, their heirs and assigns, that they will, in addition to the other permanent public improvements enumerated in this ordinance, assume and pay the city of New Orleans' portion of the cost of paving Magazine and Tchoupitoulas streets from Louisiana avenue to the terminus of the lines on the herein-mentioned franchise on the said Magazine and Tchoupitoulas streets whenever the said streets shall be ordered paved by the City Council in accordance with law.

Cost of paving Magazine and Tchoupitoulas assumed. Ib.

ART. 2386. (4) That it is hereby distinctly understood and agreed that all the paving and other works of permanent improvement enumerated in this ordinance shall be done at the cost and expense of the said Judah

Cost of improvement. Ib

Hart and R. T. McDonald, their heirs and assigns. All of said permanent improvements they, the said Judah Hart and R. T. McDonald, their heirs and assigns, agree to have done in addition to and over and above their cash bid of \$150,000.

Bond.

Ib. ART. 2387. That the said Judah Hart and R. T. McDonald, their heirs or assigns, are hereby obligated to furnish a good and solvent bond in the sum of one hundred thousand dollars, with sureties satisfactory to the Mayor, conditioned on the faithful performance of the obligations assumed by them, to have done all the permanent public improvements enumerated in this ordinance, otherwise the ordinance shall become null and void.

Accepting
bid of New Or-
leans Traction
Company,
Limited.
Ord. No.

ART. 2388. That the bid of the New Orleans Traction Company, Limited, of one hundred and twenty-five thousand (\$125,000) dollars for the franchise for a street railroad under Ordinance No. 7036, U. S., be and the same is hereby accepted, and the Mayor of the city of New Orleans is authorized to enter into contract with the said New Orleans Traction Company, Limited, transferring said franchise to the said New Orleans Traction Company, Limited, in consideration of the payment of the amount of said bid.

Tracks on
Constance
street.
Ord. No. 11,405,
C. S.
July 23, 1895.

ART. 2389. That the right is hereby granted to the Crescent City Railroad Company to lay a track on Constance street to connect the tracks on Peters avenue with the car-barn on Constance street, between Joseph and Arabella streets.

In accordance
with specifica-
tions.

Ib. ART. 2390. That the track is to be used for the purpose of forming a connection between the tracks on Peters avenue and the car-barn, and to be constructed in accordance with the specifications governing the franchise of the Crescent City Railroad Company, and according to lines and levels to be given by the City Engineer.

To remove
cross-over.

ART. 2391. That immediately after the passage of this ordinance the said Crescent City Railroad Company will remove the cross-over now existing on Magazine street, between Arabella street and Nashville avenue, and on Peters avenue, between Magazine and Camp streets.

ART. 2392. That an extension of time until the 1st day of January, 1896, is granted to the Crescent City Railroad Company to complete the railroads provided for in the ordinances above set forth.

Extension of
time.
Ord. No. 11,106,
C. S.

ART. 2393. That the pavement of any streets during said interval of extension, the intersections of which were to be paved by and at the cost of the said company, does not in any manner relieve the said railroad company from the obligations assumed by them under said Ordinance No. 7243, and the cost of the city of New Orleans for paving any such intersection shall be borne by the said Crescent City Railroad Company.

Intersections
and pavements
paved during
extension.
Ord. No. 10,516,
C. S.

ORLEANS RAILROAD COMPANY.

ART. 2394. (1) That the Orleans Railroad Company be allowed an extension of the right of way and the right to continue, operate and carry on the street railroad now constructed, owned and operated by it in the city of New Orleans, through the various streets, grounds, alleys and public ways whereon they have now or possess right of way, tracks, stations and turnouts, as authorized by any ordinance or ordinances of the city of New Orleans, or by any or all acts and contracts relating thereto, and the right to occupy as stands for cars the spaces on the streets now occupied for that purpose; provided, that not more than two cars shall be allowed at any one time on the stand on Canal street, at Clay statue; the said extension of rights herein granted shall be for the period of twenty-five years, dating from the 1st of July, 1887, and shall be subject to all the conditions, restrictions and privileges hereinafter set forth.

Extension of
franchise.
Ord. No. 1992,
C. S.
Oct. 26, 1886.

ART. 2395. (2) The tracks shall be of five feet two and five-eighths inches gauge. The rails shall be of four-inch railroad iron. The materials to be used on said railroad shall be of the best quality, and shall have the following dimensions, to-wit:

Tracks. Ib.

Materials.

ART. 2396. The cross-ties shall be of cypress, six by eight inches and eight feet long, and the stringers either of cypress or yellow pine, five by twelve inches; the paving of the streets, where the same are already paved

Cross-ties,
stringers. Ib.

- Paving. with square blocks, shall not be taken up, and grooves shall be cut into the same so as to allow the rails to be placed and set therein. Top of rail to be flush with the street and to be kept so during the term of this franchise.
- Streets and tracks. ART. 2397. (3) The said Orleans Railroad Company
Ib. shall keep and maintain their tracks and streets through which they pass, and bridges crossed by said company, and newly construct any and all of the same which may be required by both the Commissioner of Public Works and City Surveyor; provided, that whenever the street may be occupied by any other railroad company, the maintenance, construction, repair and care of said street be equally divided, and whenever and wherever the streets are not yet paved, the lines of the tracks between the rails shall be paved either with round stones, square blocks or other pavement, or with tramwork made of four by eight inch planes in the best workmanship manner.
- Bridges. ART. 2398. All new bridges at the intersection of
Ib. streets which may be required throughout the whole length of said railroad shall be constructed by the said Orleans Railroad Company at its expense, and in the manner of making bridges throughout the city.
- Rolling stock. ART. 2399. (4) They shall maintain and keep their
Ib. rolling stock in good condition, and of such character and material as they are now required to construct and maintain by contracts and ordinances now in existence relating to said Orleans Railroad Company, and shall have and possess for and during the entire period of said extension all the rights of way and privileges in the streets and public ways of the city of New Orleans heretofore granted or conferred upon them by the city of New Orleans in all former contracts and ordinances; said contracts and ordinances are continued in force for that purpose, and to that end, except in so far as the same may be altered and amended by the provisions of this ordinance.
- Cars. ART. 2400. (5) The cars shall be of the description
Ib. and pattern of those now used, and be fitted with the usual fare box into which every passenger shall deposit

his or her fare, on entering the car; they shall be drawn by horses or mules, and if more than one horse or mule be used for each car, they shall be drawn abreast. The cars shall run as often per day and night as the Orleans Railroad Company may deem proper, but not at greater intervals than every ten minutes from daylight until 10 o'clock P. M., and every twenty minutes from 10 o'clock P. M. until midnight. The speed of the cars shall not exceed six miles per hour, and shall not be less than five miles per hour. All cars that may be run on said railroad between sunset and daybreak shall be provided with good and ample head and rear lights placed in conspicuous places and positions, and for the violation of this condition or any ordinance now existing, or that may hereafter be enacted, on the part of any officer or employee on said Railroad Company, the Orleans Railroad Company shall be liable to a fine of twenty-five dollars for each and every offence, recoverable before the Recorder of the district in which said offence has been committed, besides all the damages arising therefrom.

Speed.

Lights on cars.

Penalty.

ART. 2401. (6) The Orleans Railroad Company shall keep in good order, repair and condition during the continuance of this privilege the paved and unpaved streets through which the said tracks pass, from curb to curb, as well as the bridges on said streets, and should the said Orleans Railroad Company, after having been duly notified by the Commissioner of Public Works, refuse or neglect to keep said streets and bridges in good repair and condition, it shall be the duty of the Commissioner of Public Works to cause the repairs to be made at the expense of the Orleans Railroad Company, and to immediately report the same and the cost thereof to the Council. And in the event of a refusal by the Orleans Railroad Company to pay to the city the amount of the expenses thus incurred for making such repairs, the said amount shall be recoverable before any court of competent jurisdiction.

Paved and unpaved streets
Ib.

ART. 2402. (7) The Orleans Railroad Company shall furnish, place and maintain sufficient number of passenger cars, to be drawn by horses or mules, and to

Sufficient number of cars.

Fare.

have drivers as aforesaid so as to make trips up and down said roads, as hereinbefore required, and shall also provide for all materials, labor, etc., required for the construction and maintenance of said roads. The rate of fare between the starting point at Canal street and Bayou St. John, or for any distance between said points, or any portions of said railroad, shall not exceed five cents per passenger, which shall be deposited in the fare box by every passenger on entering the car. But should the said Orleans Railroad Company deem it proper or necessary to run cars from the hours of midnight to daylight, the rate of fare will be ten cents per passenger.

Lines and
grades.

The construction and repairs of said road, as aforesaid, shall be in accordance with the lines and grades to be given by the City Surveyor and shall be done to the entire satisfaction of the Commissioner of Public Works and the said City Surveyor.

Trunk lines.
Ib.

ART. 2403. (8) The city of New Orleans reserves the right to permit the use of short portions of said Orleans Company's road as a main trunk by other companies, whenever for want of street room the City Council may find it necessary to grant such right; and the Orleans Railroad shall have and are hereby granted the right to run and to continue to run its cars on such portions of the tracks of other companies in the city, now or hereafter designated as a main trunk track, as the trunk track on Canal street. In all such cases, whether of those portions of the Orleans Railroad Company's tracks or of the use by them of the trunk tracks of other roads, there shall be paid to the company owning the portions of the road thus used a fair and reasonable proportion of the value of the proportions of the tracks so used; said proportion to be ascertained and fixed by two disinterested persons, one to be appointed by the railroad company owning the portions to be used, and the other by the railroad company wishing to use it; and in the event of a disagreement a third person or umpire shall be appointed by the District Court in the city of New Orleans, the decision thereby had to be final and binding.

ART. 2404. (9) The Orleans Railroad Company shall pay into the City Treasury, upon the assessed value of said roads and fixtures, the annual tax levied on real estate, and the value of said roads and fixtures shall be assessed by the usual way and mode of assessment.

Taxes. Ib.

ART. 2405. (10) It is understood that in case of failure of the said Orleans Railroad Company to carry out the provisions of this ordinance in all its points, the Council of the city of New Orleans shall have the right to annul the contract passed in accordance herewith, without putting the said Orleans Railroad Company in default, as required by Article 1911 of the Revised Civil Code of Louisiana, and without applying to a court of justice to annul the same, and without indemnity; it is well understood that in case of annulment of this contract by the Council, for any cause whatsoever, the city of New Orleans shall have the right, after payment of the appraised value of said property, to sell the rights of way and privileges herein granted.

Default. Ib.

ART. 2406. (11) The said railroads, rolling stock, equipment and fixtures to revert to the city of New Orleans at the expiration of twenty-five years' extension, of privileges herein granted, on a valuation to be ascertained by two disinterested persons, one to be appointed by the Orleans Railroad Company and the other by the city of New Orleans, and in the event of a disagreement between said persons thus appointed, a third party or umpire shall be appointed by one of the divisions of the Civil District Court for the parish of Orleans, the decision thereby had to be final and binding.

Reversion. Ib.

ART. 2407. (12) It shall be and it is hereby made the duty of the Mayor of the city of New Orleans to make and enter into a notarial act with the said Orleans Railroad Company, wherein and whereby the said Mayor of the city of New Orleans shall, in and by the said notarial act, grant and confirm unto said Orleans Railroad Company the rights, privileges and extension of their right to carry on and operate the said railroad company for and during the full term of twenty-five years, from the 1st of July, 1887, herein and hereby made and

Duty of Mayor. Ib.

granted unto the said Orleans Railroad Company, for and in consideration of the sum of ten thousand dollars (\$10,000), payable in five years, in yearly instalments of two thousand dollars (\$2000) per year.

To hold city harmless. ART. 2408. (13) That if anything in the above pro-

visions should result in injury to private property or be in conflict with the rights or privileges heretofore granted by the city to any person or company, the said company, by its acceptance of this ordinance, binds itself to equitably settle all such injuries and to hold the city harmless from all damages or reclamations whatsoever arising from such conflict.

Take effect. ART. 2409. (14) And that this ordinance shall be in
Ib. force and take effect from and after its passage.

ELECTRIC FRANCHISE.

Authority to advertise. ART. 2410. (1) That the Comptroller be and he is
Ord. No. 11,565, hereby authorized and directed to advertise, according
C. S. to law, and sell in block at public auction, to the highest
Nov. 5, 1895, bidder, for cash, the following-described franchise for a term of fifty years, over the streets herein described; provided, however, that all bids shall be subject to rejection by the City Council.

Route. ART. 2411. Commencing at the intersection of Du-
Ib. maine street and Bayou St. John, and connecting with the existing tracks of the Orleans Railroad Company, on Dumaine street, thence across the Bayou St. John and through the continuation of Dumaine street from Bayou St. John to Metairie road, connecting with the tracks of the New Orleans City & Lake Railroad Company now existing, and thence over the tracks of the said New Orleans City & Lake Railroad Company on Metairie road to the intersection of Metairie road and the New Orleans Navigation Canal, returning through Metairie road over the tracks of the New Orleans City & Lake Railroad Company on Metairie road to Dumaine street, thence by double track through Dumaine street to Bayou St. John and across the bridge over same, thence to Ursulines street, and on Ursulines street to Broad street, and con

necting with existing tracks owned by the Orleans Railroad Company.

ART. 2412. Bidders for the franchise, before being eligible to bid, will first deposit with the City Treasurer the sum of \$250, either in currency or certified check, the receipt for which will be exhibited to the Comptroller at the time of sale, which deposit will be to ensure the signing of contract, and which will be returned to all successful bidders on the adjudication of the contract and to the successful bidder on the signing of the contract.

ART. 2413. The party or parties to whom is adjudicated the contract will give bond with good and solvent security in the sum of \$1000 to ensure faithful performance of the obligations of these specifications.

ART. 2414. This franchise will be sold at public auction by the Comptroller in the City Council Chamber at the City Hall on the day of —

ART. 2415. This franchise is for a term of fifty years from the date of its adjudication.

ART. 2416. All new tracks which are constructed under this franchise, as also existing tracks over which the franchise operates, shall be constructed of girder rail of a pattern, dimension and weight to be approved by the City Engineer.

Where the tracks of the road are laid on neutral ground, T rail may be used, to be approved by the City Engineer, as to shape, dimensions and weight.

ART. 2417. The ties used in the construction to be not less than six inches deep, eight inches wide and eight feet long, spaced three feet centres.

ART. 2418. The subgrade under the tracks where same traverses the roadway of streets will be planked with one-inch plank the full width of the tie and in direction of the rail. This planking to be of a good quality of cypress, free from sap; a reasonable amount of peek will be allowed. All of the wood entering into the construction will be of a quality of cypress suitable for the position which it occupies. The subgrade to be graded perfectly smooth, uniform and even and per-

Deposit. Ib.

Bond. Ib.

Public auction. Ib.

Term of years. Ib.

Tracks. Ib.

T rails.

Ties. Ib.

Subgrade. Ib.

fectly parallel with the grade given by the City Engineer for the rail. The subgrade to be thoroughly uniform as to solidity. All soft and spongy places to be filled with bats, gravel or other hard substance thoroughly rammed.

Special work. ^{Ib.} ART. 2419. The special work required for the construction of this road to be of the most improved workmanship and design, and the plans for all special work to be prepared by the company and approved by the City Engineer before same is built.

Girder rail. ^{Ib.} ART. 2420. The girder rail will be held in position by thoroughly spiking on either side to each tie, and by a tie rod three-eighths by two and one-half inches, spaced not over six feet apart. These tie rods to be forged into a rod at the ends with threads on same and secured to either rail by a nut, and the diameter of the rod passing through the rail at the bottom of the thread to have an area equal to the body of the rod.

Guard rail. ^{Ib.} ART. 2421. On neutral ground, or where T rail is used, there will be provided a guard rail on the inside of each rail of each track extending across the whole width of intersecting streets, and the space between the rails and between the tracks across intersections to be planked. The planking used to be of good sound yellow pine, and the surface of the planking to be level with the surface of the rail. The planking used for this work to be not less than three inches thick.

Paving. ^{Ib.} ART. 2422. Through such streets as are now unpaved the space between the tracks and between the rails and for a distance of twelve inches on the outside of each outside rail will be planked. The planking between the tracks and rails to be laid at right angles with the rails and to be secured to proper timbers properly secured to the tie. The planking on the outside of the rail to be not less than four inches thick, and will extend in direction of the rail. The balance of the street between the gutter and the rail to be filled in and graded with earth.

Gutters. ^{Ib.} ART. 2423. The gutters on unpaved streets to be built of wood of the dimensions and to the grades and lines

given by the City Engineer. The bottoms to be not less than two inches thick and the sides three inches thick, properly constructed, and the culverts to extend the whole width of the street.

ART. 2424. On streets where the tracks sold under this franchise run are paved with cobble-stone, the space between the tracks and between the rails will be paved with cobble-stone, and such portion of the street between the rails and gutters as are necessary to provide proper conditions for the passage of traffic over the street will be raised or rearranged and the pavement relaid and the gutters where necessary reset, so that when the tracks are laid the street will be in position to properly accommodate the traffic passing over same.

ART. 2425. On all streets the ties will be bedded and ballasted with a good quality of gravel, thoroughly rammed and solidified, and where the tracks are planked the space between the gravel and planking to be thoroughly and solidly filled with either gravel or good earth and thoroughly rammed.

ART. 2426. Through all streets which are paved with square block, the pavement which is taken up will be relaid in the most thorough and substantial manner, and such portions of the street as it is necessary to raise for the proper passage of traffic will be taken up and relaid. Any new stone required to properly repave these streets which are paved with square block will be furnished and laid by the purchaser of this franchise. No cuttings to be used excepting where required to properly connect the work with tracks or existing work.

ART. 2427. Where the tracks sold under this franchise connect with and pass over tracks owned by other corporations the purchaser of this franchise will arrange for such use without any expense or trouble to the city of New Orleans.

ART. 2428. All streets which are now paved with cobble-stone or which are unpaved, through which the tracks of this franchise pass, when same shall be paved or repaved with a good substantial pavement, the space between the tracks and rails and for a distance of one

Cobble-stone
streets. Ib.

Spaces; how
filled. Ib.

Square block
streets. Ib.

Other tracks
crossed. Ib.

Unpaved
streets. Ib.

foot on the outside of each outside rail will be paved with the same material with which the balance of the street is paved, except where streets are paved with gravel or chert, when the space between the tracks and rails and for a distance of twelve inches on the outside of each outside rail will be paved with Belgian block on concrete base, according to specifications on file in the office of the City Engineer. This paving between tracks and rails and for a distance of twelve inches on the outside of each outside rail to be done at the expense of the purchaser of this franchise.

Drainage. ^{Ib.} ART. 2429. The rails or other members entering into the construction of the tracks under this franchise will be so constructed and so arranged as not to interfere with existing drainage. To this end, where necessary, the rails will be cut where crossing culverts and provisions made to properly span the conduits necessary for the passage of the drainage.

Poles. ^{Ib.} ART. 2430. The poles carrying the feed of trolley wires will be of iron or wood, as directed by the City Engineer, said poles to be of neat design, strong and substantial, and will be imbedded in concrete. The location of the poles to be approved by the City Engineer, and all damage accruing to either private or public property in the erection of the poles will be made good by the purchaser of this franchise.

Insulation of wires. ^{Ib.} ART. 2431. All wires to be thoroughly insulated in the most improved manner, and the whole system of wiring to embody the most improved appliances for the operation of cars by the trolley or such other system as may be approved.

Trailers. ^{Ib.} ART. 2432. Motor cars may haul one or more trailers. Stops. Cars shall stop only at further side crossings, and shall not wait for passengers who are not on the crossing ready to enter.

Use of other poles. ^{Ib.} ART. 2433. Where poles and wires have already been erected for the operating of cars by electricity on streets covered by this franchise, which poles and wires are owned by other companies or persons, the purchaser of this franchise shall arrange for the use of said poles and

wires in so far as practicable, and shall not be allowed to erect other poles than those existing or absolutely necessary for the practicable operation of the road.

ART. 2434. The speed at which the cars shall run, as also the time between running of cars, will be as determined from time to time by the City Council. Speed. Ib.

ART. 2435. The cars to be of the latest approved pattern and finish, and shall at all times be kept neat and clean and in good operating order, and shall be provided with proper ventilation, guards, gates, etc. Cars. Ib.

ART. 2436. The purchaser of this franchise shall have the right to construct, with the approval of the City Engineer, the necessary switches, turnouts, side-tracks, etc., to connect the tracks of this franchise with tracks of companies existing, as also to connect with the power house, car barn, etc. Switches, turnouts, etc. Ib.

ART. 2437. At points where the tracks of other street roads or of steam roads cross the tracks of this road, the crossings shall be of the continuous pattern. Crossings. Ib.

ART. 2438. Each motor car shall carry a motorman and one conductor, and both of these men to be uniformed by the company operating the road. Motorman and conductor. Ib.

ART. 2439. All streets through which the tracks under the provisions of this franchise run shall be placed in first-class order as above enumerated, with the different classes of material, and will be maintained in thoroughly good order, including all gutters, wings, gutter bottoms, bridge tops, culverts, etc., from curb to curb, for the whole period this franchise is enjoyed by the purchaser or his heirs or assigns. This good order to be such as to be satisfactory to the Commissioner of Public Works, who is to be the sole judge as to what shall constitute proper maintenance, and any official communication addressed by him to the party having in charge the property conveyed by this franchise shall receive attention within forty-eight hours, and in the event of no reply or response to said official letter of said Commissioner of Public Works to said party in said time, the Commissioner of Public Works shall officially notify the president of the company or his representatives, according Streets to be placed in first-class order. Commissioner of Public Works sole judge.

Duty of Commissioner.

to the charter of the company, setting forth in plain manner what is required to be done to comply with the obligations of the said purchaser of this franchise, his heirs or assigns; and, if after three days, no steps are taken or no agreement is reached relative to the matter in hand the Commissioner of Public Works shall cause to be made the repairs or the construction necessary, and will present a bill for the cost of same for payment to the said owners of the franchise. And in the event of failure to at once liquidate the debt, the amount of said bill incurred, in accordance with the above restrictions, shall be collected, without cost or trouble of any nature or kind whatsoever, from the bond given, it being understood that the wording of the bond shall be such as to admit of the easy and successful enforcing of the above-mentioned provisions.

Materials.

Ib. ART. 2440. All material furnished and work done by the purchaser of this franchise shall be first class in every particular and to the entire satisfaction of the City Engineer, who shall be sole judge as to all materials and workmanship, and the whole work shall be done under his direction and to lines and levels given by him.

Police and health regulations.

Ib. ART. 2441. The purchaser of this franchise shall in the execution of the work comply with all police and health regulations and ordinances.

Begin and complete work.

Ib. ART. 2442. The purchaser of this franchise shall begin work of construction within one year from adjudication and complete same within six months thereafter.

Electricity.
Ord. No. 9597,
C. S.
Aug. 28, 1896.

ART. 2443. (1) That Ordinance No. 1992, Council Series, adopted on the 26th day of October, 1886, be amended so as to permit the said Orleans Railroad Company to use as a motive power on their said line electricity, under such specifications as may be made by the City Surveyor.

Duty of City Surveyor.

Ib. ART. 2444. (2) That the City Surveyor be and he is hereby directed to draw up such specifications as may be necessary to carry this ordinance into effect and to report the same to this Council.

ART. 2445. (3) That this ordinance shall take effect from and after its passage. Take effect.
Ib.

ART. 2446. (1) That the Orleans Railroad Company be and is hereby authorized to cause to be erected an electric motive power house, with all such steam engines, boilers, machinery, connecting water pipes, etc., with privilege of crossing the said Carondelet Walk street, to connect the said pipes to the Carondelet, Canal and Navigation Company Basin, etc., as may be necessary for the purpose of operating their cars by electricity, the said power house to be erected on Carondelet Walk street, between Prieur and Johnson streets, and to place all such poles and wires on Carondelet Walk street, Johnson street to Ursulines street, and also on St. Peter street from Burgundy to Dauphine streets for operating the electric cars as may be necessary. Power house.
Ord. No. 10,575,
C. S.
Aug. 9, 1895,

ART. 2447. That this ordinance shall take effect from and after its passage. Take effect.
Ib.

ART. 2448. That the Orleans Railroad Company are hereby authorized, when needs be, during the construction of the said roads, to suspend all operations of said line on portions of said road, during the period of reconstruction and rebuilding of said road. Authorized
to suspend
operations.
Ord. No. 10,723,
C. S.
May 14, 1895.

ART. 2449. That the City Comptroller advertise during ninety days, as required by law, and sell to the highest bidder at auction, a street railroad franchise, to run from Dumaine street across Bayou St. John to Metairie road, up Metairie road to the New Basin, on existing tracks, and back to Dumaine street to Dorgenois street; also from St. Peter street at the head of the Old Basin to Canal street, and out Canal street on the tracks of the Claiborne Street Railroad, to the head of Canal street at Liberty Station and back to Basin street at St. Peter with a double track. Sale of franchise from Dumaine street across Bayou St. John to New Basin.
Ord. No. 10,746,
C. S.
May 24, 1895,
Amended by
Ord. No. 11,032,
C. S.

ART. 2450. (2) That the bidders will first deposit the sum of two hundred and fifty dollars, and will give bond in the sum of one thousand dollars for the faithful performance of the obligations herein assumed. Deposit.
Ib.

ART. 2451. (3) That the said successful bidder will keep the streets through which said railroad shall run in good repair and comply with existing ordinances. Street repairs.
Ib.

Fifty years. ART. 2452. (4) That said franchise shall be sold for
 Ib. the term of fifty years from the date of its adjudication.

Take effect. ART. 2453. (5) That this ordinance shall take effect
 Ib. from and after its passage.

New Orleans, Spanish Fort & Lake Railroad.

(Formerly Canal Street, City Park & Lake Railroad Company.)

Right of way. ART. 2454. (1) That the right of way be and is
 A. S. 4523. hereby granted to the Canal Street, City Park & Lake
 May, 1878. Railroad Company to lay a single or double track passenger and freight railroad through the following-named streets, to-wit:

Route. Commencing at the neutral ground on Basin street,
 Ib. Second District, at its intersection with Canal street, thence along said neutral ground to Bienville street, thence in and along Bienville street to St. Patrick street, thence in and along St. Patrick street to the west bank of Orleans canal, thence along Orleans street. on the west side of the canal to May street, near the lake shore: thence in May street to Genois street, thence in Genois street to Bayou St. John, returning in the same street to the west bank of Orleans Canal, thence along said bank on the west side of Orleans street to the intersection with Bernadotte street and Metairie road, thence along Bernadotte street to its intersection with Bienville street, to Claiborne street, thence in neutral ground to Customhouse street; thence in and along Customhouse street to the neutral ground on Basin street, thence to the starting point at Canal street. The rights and privileges be and are hereby granted for the term of twenty-five years from the date of the passage of this ordinance, upon the following conditions:

Term of grant.
 Rails. (a) The rails used in the construction of said road shall be of the T rail pattern, and to weigh at least twenty pounds to the yard, and to be laid on crossties; provided, however, that the rail will be laid in such manner to allow a free passage of vehicles along and across the rail from Basin to Broad street, and on every street

of the route, whenever the street shall be graded by the city authorities,

(b) That the lines and levels of the road to be located and marked by the City Surveyor, approved by the Council; the lumber and materials used in the construction of said road and bridges to be approved by, and the road to be constructed under the supervision of the Administrator of Improvements and the City Surveyor; and that should it ever be deemed necessary to lower or change the grade of any part of said railroad the same shall be done at the expense of the company.

Lumber and materials.

Change of grade.

(c) The company may use either the Remington car and engine, Lamm's thermo-specific engine, or such other as may be approved by the Council, or horse or mule power.

Motive power.

(d) The rate of fare from Canal street to the City Park, or for any intermediate distance, shall not exceed five cents for each passenger, and from the City Park to the Lake, New Canal or Milneburg, or for any intermediate distance the fare shall not exceed five cents for each passenger. The same rates for returning. The fare on the lake shore levee shall not exceed five cents for any distance, going or coming.

Fare.

(e) The rate of speed not to exceed six miles per hour from Basin street to Broad street; provided, that the rate of speed on any part of the road may hereafter, at any time, be limited by the City Council to six miles per hour, and that the Council may prescribe rules and points for landing and receiving passengers; and the said grantee shall run one car at least every half hour from each end of the road, from 6 A. M. until 9 P. M., and from April to September run a car every hour from 9 P. M. until 12 P. M.

Speed.

(f) The road, cars and fixtures are to be assessed and made to pay an annual tax as other property of like value.

Annual tax.

(g) On the expiration of said right of way the road, rolling stock, equipments, depot and fixtures may be taken by the city at an appraised value, to be ascertained in the following manner: Two disinterested per-

Right of reversion.

sons, one to be appointed by the city and the other by the said grantee, shall fix said value, and in the event of disagreement, an umpire shall be selected by said appraisers, whose decision shall be final; provided, when the said two appraisers fail to agree upon an umpire he shall be selected by a judge of one of the district courts of the parish of Orleans.

Streets to be kept in good condition.

(h) That said grantee shall keep the streets and public places as may be occupied by the tracks, side-tracks, turnouts, turntables and switches in good order and condition from curb to curb.

Commencement and completion of work.

(i) The work of construction of said railroad shall commence within thirty days after the passage of this ordinance and be completed from Canal and Basin streets to the lake shore and in running order within sixty days from and after the passage of this ordinance. In case the road is not commenced, completed and in actual operation within the time specified, the rights and privileges hereby granted shall be null and void. And that part of the road from the mouth of Orleans Canal to the New Canal, and from the mouth of the Orleans Canal to Milneburg, shall be completed and in actual operation within two years from the passage of this ordinance, under the penalty of the forfeiture of the right of way for such portion of the road along the lake shore.

City not responsible.

(j) That nothing in this ordinance, or in the grant of right of way, or other rights, or in the notarial act, made in pursuance of this ordinance shall be construed as binding the city of New Orleans, or making the said city liable directly or in warranty for any claims of citizens or corporations on account of said ordinances, grant or notarial act, or any claim for infringements of rights or damages to persons or property caused by the grantee, or in any way resulting from the construction and operation of said railroad by the said grantee; nor for any claim for damages, losses or injuries sustained by the said grantees in case they should be deprived of their rights or be interfered with in the exercise thereof, by any person whatsoever, save it be by the lawful con-

stituted authorities of the city; nor shall the said city be liable for any work or material used in paving or repairing streets in pursuance of this grant, or under the direction of and contract with said grantee.

(k) That nothing in this grant or privileges granted shall be construed as authorizing said grantees the right or privileges of erecting any depots, sheds or station houses or buildings, without plans and sites of the same be submitted to the Council for their approval. Plans of depots.

(l) That the city of New Orleans reserves the right to use the said railroads as a main trunk for other railroads, which the city, from time to time, orders to be constructed, by reimbursing to the contractor a fair and reasonable proportion of the value of the portions of the roads thus used; said proportion to be ascertained and fixed by two disinterested parties, one to be appointed by the city and the other by the contractor, and in the event of a disagreement as to said proportion to be paid by the city between said persons thus appointed, a third person or umpire shall be appointed by one of the district courts of and in the city of New Orleans, the decision thereby had to be final. Reservation.

See Ordinances 2264, 2538, A. S., August, 1873; A. S., March, 1874; 3146, A. S., June, 1875.

ART. 2455. That the privilege is hereby granted to the Canal Street, City Park & Lake Railroad Company to erect a new bridge across the Orleans Canal, near its terminus at Lake Pontchartrain, a distance not exceeding 150 feet from the present bridge, as per plan hereto attached and approved by the City Surveyor; provided, that the said company shall agree to remove or have removed at any time, at their own cost, after ten days' notice from the Administrator of Improvements, such portion of such bridge as shall leave a clear opening of thirty-five feet for the passage of dredgeboats in and out of the canal. Bridge across Orleans canal.
A. S. 4449.
April, 1878.

ART. 2456. That permission be and is hereby granted to the Canal Street, City Park & Lake Railroad Company to change the curves on said road at the following-mentioned places, viz.: at the corner of Basin To change curves.
A. S. 4482.
April, 1878.

and Customhouse streets, corner of Basin and Bienville streets, corner of Customhouse and Claiborne streets and corner of Bienville and Claiborne streets; provided, that said changes shall be made according to the lines and grades to be furnished by the City Surveyor.

Iron posts.
A. S. 5070.
May, 1879.

ACT. 2457. That permission be and is hereby granted to the New Orleans, Spanish Fort & Lake Railroad Company to erect four ornamental iron posts or pillars upon the neutral ground of Basin street at the line of its junction with Canal street, for the purpose of supporting an ornamental cornice or gable to the canvas shed or cover, which is already established at the city terminus of said railroad, the outside pillars to be eight feet in height and the inside ones to be from twelve to sixteen feet in height. Permission is also granted to said company to erect an ornamental lamp-post with lamp upon the banquette of Canal street in front of said terminus, at a point to be designated by the City Surveyor, the cost of lighting said lamp to be at the expense of the company; and further, the said company is authorized to remove the present coal shed which is situated on the neutral ground on Basin street, adjacent to the terminus of said railroad, to some point on said neutral ground nearer Customhouse street; provided, all the above-mentioned improvements be made according to plans and specifications to be furnished by the City Surveyor.

Lamp post.

Coal shed.

To alter and
change tracks.
A. S. 6275.
Dec., 1879.

ART. 2458. (1) Whereas, The New Orleans, Spanish Fort & Lake Railroad Company, successor by purchase of the rights, franchises, grants and privileges of the late Canal Street, City Park & Lake Railroad Company, has become owner of the certain portion of ground situated in the square bounded by Bienville, Bernadotte, Conti and St. Patrick streets, measuring 319 feet 8 inches and 6 lines front on Bienville street and on opposite side line, by a depth and front on Bernadotte and St. Patrick streets of 137 feet 1 inch; and, whereas, the curve of the tracks of the railroad at the corner of Bienville and Bernadotte streets is abrupt and difficult, the said company is, therefore, hereby authorized and

empowered to alter and change the said tracks and bed of said road so that the same shall run across the portion of ground above described, and to make, under the direction and approval of the City Surveyor, such alterations in the grade of said streets as may be necessary to effect said change; it being, however, understood that nothing shall be done by virtue of this ordinance which shall in any wise interfere with the drainage or free use by the public of said streets.

ART. 2459. (2) That said company is hereby authorized to remove their track on St. Patrick street, and to lay a double track on Bernadotte street from Bienville street to Orleans avenue; provided, said railroad company shall keep said Bernadotte street, on which the double track is to be constructed, in good repair from curb to curb; and provided further, that the rails shall be laid in such a manner to allow free passage of vehicles along and across the rails along Bernadotte street, from Bienville street to Orleans avenue; the work to be done under the supervision of the City Surveyor, and to the satisfaction of the Administrator of Commerce and Administrator of Improvements.

To remove
track. Ib.

ART. 2460. That from and after the passage of this ordinance the New Orleans City Railroad and the Spanish Fort & Lake Railroad Companies be required on Sundays and excursion days to have at least one conductor for every two cars attached to the dummy engine, whose duty it will be to prevent any of the passengers from standing on the platform of any of the cars while in motion. That for each and every violation of this section by either company said company so offending shall be fined in a sum not to exceed twenty-five dollars, recoverable before any court of competent jurisdiction.

Conductors.
A. S. 6528.
June, 1880.

Penalty.

See Ordinances 6570, A. S., July, 1880; 6731 A. S., December, 1880.

ST. CHARLES STREET RAILROAD.

ART. 2461. (1) That in consideration of the offer of the St. Charles Street Railroad Company to pay three hundred thousand dollars (\$300,000) cash for the fran-

Grant of right
of way.
Ord. No. 6971,
A. S.

chise and right of way of the following lines of street railroads, their curves, switches, turntables, sidetracks and other appurtenances as they now exist, to-wit:

Baronne and Carondelet Line.

Dryades and Rampart Line.

Clio, Erato, Royal and Bourbon line.

Term of grant.

(a) And in further consideration of the agreement of the St. Charles Street Railroad Company to relinquish all of its rights and franchises under its former contracts with the city of New Orleans, the above specially-named franchises and rights of way be and are hereby granted to said St. Charles Street Railroad Company for the space and term of twenty-five years from date, and said company further be and is hereby released and fully discharged from any and all of its obligations to the city of New Orleans under its former contracts.

Mayor to sign contract.

(b) That the Mayor be and is hereby authorized and instructed, on payment of said sum of \$300,000, to sign a contract by notarial act with said St. Charles Street Railroad Company for the sale and delivery of said franchises and right of way, subject to the conditions and terms of the specifications now on file in the office of the Administrator of Commerce.

Discharge of all of its obligations.

(c) And that in said notarial act said Mayor be and is hereby authorized and instructed to grant to said St. Charles Street Railroad Company full receipt, quittance and discharge of any and all of its obligations of any kind whatever to said city of New Orleans.

Acceptance of Ord. No. 6376, A. S.

ART. 2462. (2) That the St. Charles Street Railroad Company shall accept the provisions of Ordinance No. 6736, A. S., passed December 8, 1880, with reference to dividing said company's tracks on St. Charles and Carondelet streets with the Crescent City Railroad Company, and that the acceptance of said Ordinance No. 6736 is hereby made a part of this ordinance and the contract arising thereunder.

ART. 2463. (a) That in consideration of the foregoing, and by virtue of the power in him vested by Ordinance No. 6971, the Honorable Jos. A. Shakspeare,

Mayor of the city of New Orleans, and herein acting in such capacity of Mayor, and also came and appeared Alden McLellan, president of the St. Charles Street Railroad Company, a corporation organized under the laws of this State, and having its domicile in the city of New Orleans, herein acting under and by virtue of his authority as president of said corporation, as also by virtue of a resolution adopted by the board of directors of said corporation, at a meeting held by them on the fourth day of April, in the year of our Lord eighteen hundred and eighty-one, a copy of which is hereunto annexed for reference.

Act of sale
and transfer of
right of way and
privileges.

(b) And the said Joseph A. Shakspeare, Mayor as aforesaid, declared that under and by virtue of the authority in him vested by resolution or ordinance number six thousand nine hundred and seventy-one, passed by the Honorable the Council of the city of New Orleans, on the eleventh day of April, in the year of our Lord eighteen hundred and eighty-one, and approved the same day, a copy of which is hereto annexed for reference, and in confirmation of the sale and adjudication therein made by the said Council of the city of New Orleans.

(c) He, the said Mayor, does by these presents grant bargain, sell and confirm unto the said St. Charles Street Railroad Company, for the consideration and upon the terms and conditions and under the specifications hereinafter stated and expressed, the franchises and right of way of the following lines of street railroads in the city of New Orleans, their curves, switches, turntables, sidetracks and other appurtenances as they now exist, to-wit:

Term of grant.

Baronne and Carondelet Line.

Dryades and Rampart Line.

Clio, Erato, Royal and Bourbon Line,

for the term and space of twenty-five (25) years from the date hereof.

ART. 2464. (d) And the said St. Charles Street Railroad Company through its president, duly authorized as aforesaid, hereby bind and obligate themselves in their

Conditions
and specifica-
tions.

corporate capacity as aforesaid, to perform, execute and comply with all the conditions and stipulations contained in the specifications now on file in the office of the Administrator of Commerce, a copy of which is hereto annexed for reference, and which said specifications are in the words following, to-wit:

ART. 2465. (*e*) Specifications submitted under Ordinance No. 6971, Administration Series, entitled an ordinance for the sale of the right of way, to maintain and operate a street railroad on St. Charles street and other streets in the city of New Orleans.

ART. 2466. (*f*) The right of way and franchise are to maintain and operate a street railroad on the following streets, to-wit:

Baronne and
Carondelet
line.

ART. 2467. Commencing on St. Charles street at Canal street, thence up St. Charles to Delord, down Delord to Baronne, up Baronne to Philip, up Philip to Baronne, up Baronne to Eighth, or to the company's private property, thence to Carondelet, down Carondelet to Josephine, down Josephine to Carondelet, down Carondelet to Canal, up Canal to the starting point on St. Charles street, with privilege to and from Opera House, via Bourbon, Toulouse and Royal streets, with all tracks, curves, switches, turntables, sidetracks and other necessary appurtenances.

Dryades and
Rampart line.

ART. 2468. Commencing on St. Charles street at Canal street, thence up St. Charles to Delord, down Delord to Dryades, up Dryades to St. Andrew, up St. Andrew to Baronne, up Baronne to Philip, up Philip to Baronne, up Baronne to Eighth street, or to the company's private property, thence down Eighth street to St. Denis, down St. Denis to Philip, up Philip to Dryades, down Dryades to St. Andrew, down St. Andrew to Rampart, down Rampart to Canal, up Canal to the starting point on St. Charles street, with all tracks, curves, switches, turntables, sidetracks and other necessary appurtenances.

Clio, Erato,
Royal and
Bourbon line.

ART. 2469. Commencing on Elysian Fields street at Peters, thence down Elysian Fields to Royal, up Royal to and across Canal, up St. Charles to Delord, down

Delord to Dryades, up Dryades to Clio, down Clio to Magnolia street to the company's stables, up Magnolia street to Erato, up Erato to Carondelet, down Carondelet to and across Canal, down Bourbon to Esplanade, up Esplanade to Decatur, down Decatur to Elysian Fields, up Elysian Fields to the starting point at Peters street, with all tracks, curves, switches, turntables, sidetracks and other necessary appurtenances.

ART. 2470. The tracks shall be five feet two and five-eighth inches gauge, and three feet from out to out of rails. Tracks.

ART. 2471. The contractor shall be bound to furnish, place and maintain on said railroad a sufficient number of cars, to be drawn by horses or mules, to make trips at intervals not greater than every five minutes from daylight until ten (10) o'clock P. M., and every twenty minutes until midnight. Time.

ART. 2472. The cars to be of the most approved pattern, and to seat, if a single car, nine persons on each side; if a double car, twelve persons on each side. Cars.

ART. 2473. The rate of speed not to exceed six miles per hour, each car to be closed in front by a railing, also to have a prominent light in front and a bell on the horse or mule. Speed.

ART. 2474. All material, etc., for the maintenance and operation of the said railroad shall be furnished by the company. Material.

ART. 2475. The fare on the Baronne and Carondelet and the Dryades and Rampart lines from Canal to Eighth street to be five cents each way, or for any intermediate distance. The fare on the Clio, Erato, Royal and Bourbon line, from Elysian Fields to Magnolia street, to be five cents each way, or for any intermediate distance. Fare

ART. 2476. The lines of said tracks within the rails shall be paved with round stones, except where square stone pavement exists, or may hereafter be made, in which case the same material shall be used for paving within the rails; when the paving of the streets where the same are paved, as well as the shelling of the streets where the same are shelled, shall be taken up for the Paved streets.

purpose of repairs, they shall be replaced in the same condition as formerly, and the street graded to a proper grade, to be furnished by the City Surveyor.

Unpaved
streets.

ART. 2477. Wherever the streets are not yet paved the line of the track within the rails shall be paved either with round stones, or with four by five-inch scantling in best workmanlike manner, and the space between the lines of track and gutter of the earth or dirt street, except Dryades street, shall be planked with yellow pine plank three inches thick, laid on stringers of four inches thick by eight inches wide, the timber used to be of the best quality, and to the entire satisfaction of the Administrator of Improvements and City Surveyor.

Streets and
bridges to be
kept in good
order.

ART. 2478. The said company shall be bound to keep the paved and unpaved streets, through which said tracks pass, as well as the bridges on said streets, in good repair and condition, from curb to curb, during the continuance of this privilege and right of way.

Rails.

ART. 2479. The rail shall be of the same pattern as those now in use; the crossties shall be of yellow pine six by eight inches and eight feet long; the stringers to be of yellow pine four by eight inches; all of the best quality of lumber, and to the entire satisfaction of the Administrator of Improvements and City Surveyor.

Penalty.

ART. 2480. Should the company at any time refuse to comply with any or all the requirements of these specifications, or fail to comply with the notice of the Administrator of Improvements and the City Surveyor, or refuse or neglect to keep the streets and bridges in good order and condition, he or they, or their authorized representatives, shall be subject to a fine of twenty-five (\$25) dollars or thirty days' imprisonment for each and every offence, at the discretion of the court, said fine to be recoverable before the Recorder of the Municipal District in which the offence was committed.

Right of re-
version.

ART. 2481. On the expiration of this contract the road, rolling stock, equipments, depots and fixtures to be taken by the city at an appraised value, the city and company each to appoint a disinterested person to assess the value, and in the event of a disagreement the Civil

District Court to appoint a third party, whose decision shall be final.

ART. 2482. This contract, in conformity with the terms of the aforesaid and annexed resolution of the Board of Directors of the St. Charles Street Railroad Company and Ordinance No. 6971, A. S., of the City Council, is made and accepted for and in consideration of the price and sum of three hundred thousand (\$300,000) dollars, paid in cash by the said company at the execution of these presents to the said Joseph A. Shakspeare, who, in his said capacity as Mayor of the city of New Orleans, hereby acknowledges receipt thereof, and grants full acquittance and discharge therefor. And for further consideration of the release and discharge of the said St. Charles Railroad Company by said city of New Orleans from any and all of its obligations to said city arising under its former contracts, the said St. Charles Street Railroad Company, through its duly authorized president, the said Alden McLellan, herein acknowledging delivery of said franchise and right of way granted to them as aforesaid by the city, does by these presents release and relinquish unto the city of New Orleans all the rights and franchises of said corporation under its former contract with said city, and binds itself to faithfully observe and comply with and hold itself amenable and subject to all the terms, conditions and penalties stipulated in the foregoing specifications, and moreover binds itself to plank all mud streets through which its tracks aforesaid shall pass, with the exception of Dryades street, in accordance with the stipulations more particularly set forth in section 11 of the foregoing specifications.

Price of contract.

Release from former contracts.

ART. 2483. And in consideration of these premises, and under the further authority in him vested by the said Ordinance No. 6971, A. S., the said Joseph A. Shakspeare, in his aforesaid capacity of Mayor, does hereby release and fully discharge the said St. Charles Street Railroad Company from any and all of its obligations to the city of New Orleans under its former contracts with said city.

Instructions. ART. 2484. That the City Surveyor, in giving the lines of the Coliseum street route of the Crescent City Railroad Company on St. Charles and Carondelet streets, is hereby instructed to place one rail on each side of the present tracks of the St. Charles Street Railroad Company, at the proper gauge, thereby fixing the tracks of both companies at an equal distance from the centre of the street, the west track on St. Charles street and east track on Carondelet street for the use of the St. Charles Street Railroad Company, and the east track on St. Charles street and west track on Carondelet street for the use of the Crescent City Railroad Company.

Cost of labor and material. ART. 2485. That all the labor and material necessary for the work shall be at the expense of the Crescent City Railroad Company, and the change made in such manner as shall not stop the running of the cars of the St. Charles Street Railroad Company or impede the use of the streets.

Proviso. ART. 2486. That the provisions of this ordinance shall not deprive the Crescent City Railroad Company of its rights to lay its tracks as now.

Right to use electricity.
Ord. No. 9498,
C. S.
Aug. 7, 1894.

ART. 2487. That the St. Charles Street Railroad Company be and is is hereby authorized to employ electricity as a motive power in propelling its cars upon and over the various lines of railroad operated and to be operated by it in the city; provided, that in the reconstruction of their tracks and of the roadbed the same shall be done in accordance with the specifications adopted by the Council of the city of New Orleans, 1894, and on file in the office of the City Engineer.

Accepting bid of St. Charles Street Railroad Company.
Ord. No. 10,545,
C. S.
April 9, 1895.

ART. 2488. That the bid of the St. Charles Street Railroad Company for the franchise to construct, maintain and operate a street railroad over Dryades street, from St. Andrew street to Felicity road; over Felicity road, from Dryades to Rampart street; over Howard avenue, from Dryades to Rampart, and over Rampart street, from Howard avenue to Clio street, all in conformity with the provisions of the acts of the Legislature relative to advertising the sale of railroad franchises in the city of New Orleans, and according to specifications approved by the Council and on file in the

office of the City Engineer for the sum of five hundred (\$500) dollars, be and the same is hereby accepted, and that the Mayor be and he is hereby directed and authorized to enter into notarial contract with the St. Charles Street Railroad Company as per bid of March 14, 1895.

ART. 2489. Whereas, The St. Charles Street Railroad Company is now constructing its tracks to operate its cars by electricity, and has the plot of ground in square bounded by Marigny, Mandeville, Decatur and North Peters streets, shown on the sketch hereto attached, on which to construct its power-house and workshops.

ART. 2490. That permission is hereby given to said St Charles Street Railroad Company to erect and operate on their property before mentioned herein, a steam-power plant of about seven hundred and fifty horse-power capacity, and to lay a six-inch pipe to the Mississippi river for the purpose of obtaining water for their use.

See page 952 for specifications for operation and maintenance of electric railway.

Steam power
plant.
Ord. No. 10,576,
C. S.
April 9, 1895.

TUNISBURG & JEFFERSON RAILROAD.

ART. 2491. (1) That the right of way and privilege of constructing and operating a double track railroad for thirty years from date of its adjudication, for the transportation of passengers and freight for hire, in accordance with specifications herewith furnished and kept on file in the office of the City Surveyor of the city of New Orleans, shall be sold at public auction by an auctioneer to be selected by the Mayor, to the highest bidder for cash, after ten days' public advertisement and notice thereof, through the following streets: Beginning at the boundary line of the parish of Jefferson, right bank, and the parish of Orleans, with a double-track railway through Madison street to Powder Magazine street, through Powder Magazine street to Peter street, through Peter street to Bouny street, through Bouny street to Villere street, through Villere and Patterson streets to Atlantic avenue, through Patterson street and the public road along the Mississippi river to London street to Tunisburg, all in the Fifth District of the city of New Orleans, said railroad to be operated by steam or other motor

Right of way.
Ord. No. 7484.
A. S.
March, 1881.

Route.

power. The franchises of said railroad to be sold by the city of New Orleans for its benefit and account.

Commence-
ment and com-
pletion of work.

ART. 2492. (2) That the construction of said railroad shall be commenced within ninety days from the adjudication hereinbefore mentioned, and completed within two years after such adjudication; and if said road be not so commenced and completed, then such right of construction shall lapse and be forfeited by such adjudicatees.

Sale of privi-
lege.

ART. 2493. (3) That the Administrator of Commerce be and is hereby authorized to advertise for ten days in the official journal of the city the sale at public auction of the rights of way, privileges, etc., as specified in the foregoing sections of this ordinance.

Acceptance of
bid.

Ord. No. 7525,
A. S.
Dec., 1881.

ART. 2494. (1) That the bid of Wm. Bogel and others of \$150 for the franchise of right of way through certain streets of the Fifth District, Algiers, as specified in Ordinance No. 7484 and advertisement, be accepted, and that the Mayor and Administrator of Finance on the part of the city be and are hereby authorized to enter into notarial contract with the said Wm. Bogel and others before the City Notary for the same.

Notarial act
approved by
Council Dec.
6, 1881.

ART. 2495. For the purchase of right of way to operate cars on the right bank of the Fifth District of the city of New Orleans, between the boundary line of the parish of Orleans and Jefferson at Madison street and London street of Tunisburg.

Gauge.

ART. 2496. The above-named lines shall be of the narrow gauge (3.10) feet.

Crossties.

ART. 2497. The crossties shall be of the best quality of cypress, six (6) feet long, hewn on two opposite sides, and having not less than eight (8) inches of face and six (6) inches of uniform thickness. They shall be laid in the roadbed parallel to each other, excepting at curves, when they shall radiate to the centre of the curve. Their distance apart shall not be more than four (4) feet from centre to centre.

Stringers.

ART. 2498. The stringers shall be of the best quality of milled cypress, four feet by eight inches, and not less than twenty feet long. They shall be joined and fastened to the crossties inside and outside by wrought

iron knees half an inch thick, two (2) inches wide, and each portion of the knee six (6) inches long.

ART. 2499. The rails shall be of steel of the usual flat steel or iron rail pattern, except that portion of route between Powder Magazine street and the junction of Madison street with the parish line of Jefferson, which latter portion of the route shall be of the T pattern, and none of these rails shall weigh less than (30) thirty pounds per lineal yard. They shall be fastened to the stringers by four-inch wrought-iron railroad spikes.

Rails.
A. S. 774c.
April, 1882.

ART. 2500. All gutters and drains crossed by these lines shall be culverted from sidewalk to sidewalk with three-inch cypress planks of the best quality, conforming to dimensions to be given by the Administrator of Improvements and the City Surveyor.

Culverts, gutters, etc.

ART. 2501. The company shall ballast the streets on the outside of the tracks where the same are not planked. The tramway of both tracks and between inside rails, from Canal street ferry to Tunisburg, shall be planked with pine or cypress planking, three inches thick, close jointed and well nailed.

Pavement

The road from Canal street ferry up to line of city to be well graded and ballasted when necessary, the same to be flush with top of rail.

The lines and grades for these pavements are to be furnished by the City Surveyor.

ART. 2502. The cars always to be of the latest and most improved pattern, and shall always be kept in perfect order.

Cars

ART. 2503. The fare to be charged shall not exceed ten (10) cents per passenger for the first ten (10) years of this purchase, and after said time it shall be five (5) cents, payable on entering the cars going or returning the distance between the boundary line of the parish of Orleans and Jefferson at Madison street, and London street of Tunisburg.

Fare.

ART. 2504. The railroad shall be known as the Algiers, Gretna & Tunisburg Railroad Company.

Name.

ART. 2505. This railroad shall be commenced within ninety (90) days and completed within two years, other-

Commencement and completion of road.

wise this ordinance and specifications to be null and void and the privileges accorded thereunder to be revoked.

Motive power. ART. 2506. Steam may be used as the motor of the cars operating on this line, unless the majority of the property holders along said route and the City Council of New Orleans object. If horses or mules are used as motors of any or all the cars of this route, they shall when upon the road be belled with the usual car bell, and none of these cars shall be driven at a rate of speed exceeding six (6) miles an hour.

Conditions. ART. 2507. The rails shall be laid upon stringers, which shall be laid upon crossties, all in accordance with descriptions previously given.

Not to be used for continental transit. ART. 2508. It is understood and agreed that this line shall never be used for continental transit, or for the operating of such locomotives or cars as are or may be used by such railway lines as the Chicago, St. Louis & New Orleans, the Louisville & Nashville, and other similar lines, without special permission obtained from the Common Council of this city.

Right of reversion. ART. 2509. The property and appurtenances of this railroad company shall revert to the city of New Orleans if the Common Council so select at the expiration of (30) thirty years after the passage of the ordinance granting this franchise or right of way on a valuation to be ascertained by two disinterested persons, one to be appointed by the railroad company and the other by the city; in the event of a disagreement as to said valuation between the said two persons thus appointed, a third party or umpire shall be appointed by one of the District Courts, the decision thereby to be final and binding.

Security. ART. 2510. The party or parties to whom this franchise may be awarded shall, for the faithful execution of these specifications, give good and solvent security in the sum of ten thousand (\$10,000) dollars, conditionally, as the law directs. The bonds to be given shall be approved by the Mayor and Administrators of the city of New Orleans.

ART. 2511. It shall be the duty of the Administrator of Improvements and City Surveyor to notify the company in writing of any violation of these specifications, giving reasonable time for their rectification, when upon the expiration of said mentioned time the company has neglected or refused to comply, the said officers shall have the said violation legally rectified; the cost for so doing shall be recoverable before any court of competent jurisdiction.

Duty of Administrator of Improvements and City Surveyor.

ART. 2512. It shall be specially agreed that, when in the opinion of the Common Council of the city of New Orleans, gross neglect and continued refusal on the part of the company to be in accord with these specifications, the Mayor of this city may institute legal proceedings to annul the charter of the company.

Annulment of charter.

ART. 2513. The road is to be subject to all police regulations now existing, or which may from time to time be adopted by the City Council.

Police regulations.

ART. 2514. It is well understood that in case of failure by the company to finish the work within the time fixed, its bond or bonds shall be forfeited to the city of New Orleans; and it is also well understood that, in case the company shall at any time abandon the work, or not finish the same in conformity with these specifications, the said company shall perfect all claims it may have for any part of the work done by it up to the date of its abandonment, and that the city shall thereby be discharged from any and all liabilities therefor.

Forfeiture.

ART. 2515. Whereas, Ordinance 7484, A. S., passed December 21, 1881, directs that the Algiers, Gretna & Tunisburg Railroad shall be commenced ninety days after adjudication and completed within two years from date of adjudication, December 26, 1883;

Commencement and completion of work.
Ord. No. 498,
C. S.
Dec. 4, 1883.

ART. 2516. Whereas, owing to financial embarrassment and other misfortunes, the company has been unable to complete said road to Tunisburg, not having extended its line below the Canal street ferry;

Reasons for delay.

ART. 2517. (1) That the limit of time as expressed in Ordinance 7485 for the completion of said road to Tunis-

Time extended two years.

burg be and the same is hereby extended to two years from the passage of this resolution.

Forfeiture of
bond.

ART. 2518. (2) That if, at the expiration of the extension of the time hereby granted, the said Algiers, Gretna & Tunisburg Railroad Company shall not have completed its road in conformity with Ordinance 7484, A. S., and specifications, its bond or bonds shall be forfeited to the city of New Orleans, and said company shall forfeit all claims it may have for any part of the work done by said company, from December, 1881, and the same to revert to the city of New Orleans, and the city shall thereby be discharged from any and all liabilities therefor.

Fifth Muni-
cipal District.
Comptroller
to advertise
franchise.
Ord. No. 4316,
C. S.
Feb. 25, 1890.

ART. 2519. That the Comptroller be and he is hereby directed to advertise as the law directs the sale of the franchise of the right of way for street railway purposes for a period of fifty years, over the following route in the Fifth Municipal (Algiers) District, viz.: Commencing at Villere street at its intersection with the Canal Street Ferry Landing, thence through Villere to Patterson street, through Patterson street to Leesburg, double track from point of commencement to the Slaughterhouse, and thence via single track to terminus, with necessary switches, turntables and turnouts; with privilege of using any motor power other than steam, and of using the public drain instead of the highway or public road, where such can be made available on the route without interfering with the service and use of said drain or ditch in the laying or maintaining of the roadbed. Said tracks to be of standard gauge and laid with a five-inch flat rail, and to cross the Southern Pacific Railroad tracks at an elevation of not less than twenty (20) feet in the clear. It shall be within the discretion of the City Surveyor to permit the laying of the rails on crossties instead of stringers on any part of the route he may deem stringers not necessary.

To extend
terminus.

ART. 2520. Bidders will, in addition to their bids, assume the obligations to extend the terminus of said road, within two (2) years from date of completion and operation, to what is now known as Duconge's place,

and within twenty (20) years, upon petition of citizens living on the route, to a point known as the "Cut-off," and shall pave with gravel and maintain the same during the term of this franchise that portion of the route, from curb-line to curb-line, embraced between the point of commencement and Southern Pacific Railroad crossing, and for the remainder of the route shall at all times keep the roadway in good order and condition.

ART. 2521. All in accordance with lines, levels and general specifications in the office of the City Surveyor.

ART. 2522. Work to be commenced within six (6) months, and completed within three (3) years from the date of acceptance of bid.

Work commenced and completed.
Ib.

ART. 2523. (1) That the Algiers & Gretna Railroad Company be and it is hereby released from its obligation of extending said railroad to Tunisburg; provided, however that the said railroad company place and maintain that portion of said road that is constructed and in operation in good order and condition as per contract, to the satisfaction of the Commissioner of Public Works and City Surveyor, and in case of the failure of said company to place said streets and crossings in good order and condition as per Ordinance No. 7484, A. S., then this ordinance is null and void.

Amending A. S. 7884.
Release from obligation.
Ord. No. 1839, C. S.
June 22, 1886.

ART. 2524. (1) That section four (4) of the specifications, entitled "Specifications for the franchise or right of way to operate cars on the right bank, the Fifth District of the city of New Orleans, between the boundary line of the parish of Orleans and Jefferson, at Madison street, and London street of Tunisburg," signed by D. M. Brosnan, City Surveyor, and approved by the City Council, December 6, 1881, be and the same is hereby amended by striking out the word "forty" in line six of said section (as per record of the same in the office of the Administrator of Commerce) and insert in lieu thereof the word "thirty," so that the same will read thirty pounds per lineal yard, etc.

Amending specifications.
Ord. No. 7740, A. S.
April 11, 1882.

ART. 2525. That permission be and is hereby granted to the Algiers & Gretna Railway Company to remove their existing tracks on Madison street, from the parish

To remove tracks on Madison street.
Ord. No. 4209, C. S.
Jan. 7, 1890.

line of Jefferson to Market street, in Algiers (Fifth Municipal District) to a point on said street, not exceeding (4) four feet east of their present position, the work to be done in accordance with lines and levels of City Surveyor.

Provided, that nothing herein shall be construed as relieving the said Algiers & Gretna Railway Company or the New Orleans, Fort Jackson & Grand Isle Railroad Company of any their charter obligations.

JUDAH HART LINE NO. 1.

Whereas, the Circuit Court of Appeals of the United States has decided that the street railway franchises sold to Judah Hart, under Ordinance No. 5784, are null and void because the same were sold for gravel payment and not for cash.

ART. 2526. That the Comptroller be and he is hereby directed to advertise as the law directs and to adjudicate at public auction to the highest bidder for cash, the right of way for street railway purposes for fifty years, over the following route and under the following terms, and conditions and specifications, to-wit:

Right of way.
Ord. No. 7636,
C. S.
Dec. 27, 1892.

ART. 2527. Commencing about one hundred and twenty (120) feet from the Canal street ferry landing, thence along the north side of Canal street over the Trunk Line of the Canal & Claiborne Railroad Company to Carondelet street; thence along Carondelet street over the track of the Crescent City Railroad Company to Clio street; thence up the swamp side of the centre of Carondelet street to St. Andrew street, thence out St. Andrew street to Brainard street, thence up Brainard street to Philip street, thence to Baronne street, thence up Baronne street over the tracks of the St. Charles Street Railroad Company to between Sixth and Seventh streets; thence continuing up Baronne street to Louisiana avenue, thence out Louisiana avenue to Camp street, thence up Camp street to Henry Clay avenue (with the right to connect through Henry Clay avenue with the tracks of the Crescent City Railroad Company on Magazine street), out Henry Clay avenue to Plaquemine or

Coliseum street; down Plaquemine or Coliseum street to Joseph street, out Joseph street to Coliseum street, down Coliseum street to Louisiana avenue, out Louisiana avenue to Dryades street, down Dryades street to Philip street, through Philip street to the continuation of Dryades street, thence down Dryades street to Julia street, thence out Julia street to St. Charles street, thence down St. Charles street over the tracks of the Crescent City Railroad Company to Canal street, thence along Canal street, south side, using the Trunk Line of the Canal & Claiborne Railroad Company to the starting point near Canal street ferry landing.

ART. 2528. It shall not be obligatory to use the trunk track on Canal street, if the purchaser chooses to arrange with the owners of other tracks on said street, and in the event of such arrangement the purchaser may use the neutral ground on Canal street, between Wells street and Tchoupitoulas street, and make the terminus at Wells street.

ART. 2529. (1) In all cases under this ordinance where the route runs over part of the line of any other railroad, the purchaser or his assigns shall reimburse the said road or roads a fair and reasonable proportion of the value of so much of the track of each road as is actually used.

ART. 2530. (2) Whenever the portion of track of another road so to be used is not suitable by design or construction for use under the present franchises, the purchaser shall have the right to rebuild and reconstruct such portions of track of the other roads at its own cost and expense.

ART. 2531. (3) The purchaser or his assigns shall at his own cost and expense shift the tracks of the St. Charles Street Railroad Company on Carondelet street from Clio street to St. Andrew street and on Dryades street from Philip street to Delord street, so that both tracks on said streets shall occupy the centre of the street.

ART. 2532. (4) The purchaser shall hold the city harmless and defend her in any suit arising out of the provisions of this ordinance.



Deposit.

Ib. ART. 2533. (5) Every bidder for the purchase of said franchise shall as a condition precedent to the receiving of said bid by the City Comptroller deposit with the City Treasurer the sum of fifty thousand (\$50,000) dollars in United States currency, and shall at the time of bidding file a receipt therefor with the City Comptroller; and no bid shall be considered from any bidder who has failed to file with the said Comptroller the receipt of the City Treasurer, showing that he has made such deposit. The deposits of all unsuccessful bidders shall be immediately returned to them; and the fifty thousand (\$50,000) dollars of the highest bidder shall be held as security that he will pay the price of his bid and sign the contract, in case his bid is accepted by the City Council, and give the bond required for the completion of the work, and in case of the failure of the successful bidder to pay the price of his bid or to sign the said contract, and give said bond, the said fifty thousand (\$50,000) dollars shall be forfeited to the city.

Notarial contract.

Ib. ART. 2534. (6) The successful bidder shall be required within ten (10) days of the acceptance of his bid by the City Council, to enter into a notarial contract before the City Notary, with the city of New Orleans, embodying all the terms and stipulations of this ordinance, and shall be required, at the time said contract is signed, to give the city of New Orleans a bond in the sum of twenty-five thousand (\$25,000) dollars, with securities satisfactory to the Mayor, for the completion of the work within the time specified.

Amount of bid.

Ib. ART. 2535. (7) The purchaser shall be required, at the time of the adjudication, to pay in cash to the Comptroller the amount of his bid, and the amount of his bid, together with the amount of the deposit required to qualify him as a bidder, shall be returned to him in case his bid is not accepted by the Council.

To purchase tracks already constructed.

Ib. ART. 2536. (8) The purchaser shall purchase at an appraised value, and pay for in cash, the track already constructed by Judah Hart on Camp and Coliseum streets above Louisiana avenue and the poles already erected by him along the route of the present franchises; said ap-

praisement shall be made by two experts one appointed by Judah Hart, one by the purchaser, and in case of disagreement an umpire shall be appointed by the Mayor, whose decision as to value shall be final.

In case the said Judah Hart shall refuse to accept said clause, he shall be compelled to remove said structures from said streets at his own cost and expense.

ART. 2537. (9) The work of construction of the railroad herein provided for shall be begun within thirty (30) days from the signing of the contract and completed within six (6) months from the date thereof.

To begin.
Ib.

SPECIFICATIONS FOR CONSTRUCTION, MAINTENANCE AND OPERATION.

ART. 2538. 1. All tracks shall be of the girder rail pattern, the dimensions and width of which and the manner of laying which shall be approved by the City Engineer.

Tracks.

2. All the streets through which the tracks of these franchises run, as described above, shall be maintained in first-class order between the tracks and two feet on each side of said tracks.

Streets to be
kept in first-
class order.

3. The cars shall be of modern pattern, and built subject to the approval of the City Engineer.

Cars.

4. The motive power shall be the trolley system of electricity. The wires covering the electric current to motors shall be of proper size and shall be properly strung, stretched, secured and insulated on poles. The poles carrying the wires shall be strong and substantial, of either iron or wood, and, if wood is used, the same shall be of cedar. These poles shall be of neat design and neatly painted, the plan of which shall be submitted to the approval of the City Engineer.

Motive power.

The location of the poles shall be such as not to interfere with drainage or commerce. All locations to be approved by the City Engineer. The poles are to be set safely and securely in the ground.

Location of
poles.

5. The fare shall be five (5) cents for any distance, except after twelve (12) o'clock midnight and until five

Fare.

(5) o'clock A. M., during which time the fare shall be ten (10) cents for any distance.

Running time. 6. The cars shall be run at intervals of not greater than five (5) minutes from five (5) o'clock A. M. till ten (10) o'clock P. M., and not greater than fifteen (15) minutes from ten (10) o'clock P. M. until twelve (12) o'clock midnight, and not greater than thirty (30) minutes from twelve (12) o'clock midnight until five (5) o'clock A. M., and the speed shall not exceed twelve (12) miles per hour.

Right to assign, sell or lease. 7. The purchaser of said franchise shall have the right to assign, sell or lease the same to any person or corporation competent to hold and exercise the same.

Terminus revoked. Ord. No. 10,910, C. S. June 18, 1893. ART. 2539. That because of the failure of the purchasers of this franchise to take advantage of the rights conferred in said Ordinance No. 7036, C. S., within the time specified in clause nine of the terms and conditions of said ordinance, the City Council of the city of New Orleans hereby revokes all parts of said ordinance which grants the right to cross or go beyond Delta street, and that the terminus of said railway tracks shall be at or near Wells street.

JUDAH HART LINE NO. 2.

Right of way. Ord. No. 6352, C. S. May 24, 1892. ART. 2540. That the City Comptroller be and he is hereby authorized and directed to advertise, as the law directs, for the sale of the right of way for street railway purposes for a fixed term of twenty-five years from the date of the signing of the notarial contract over the following route, viz.: Commencing at Canal and Wells streets, thence along Canal street over the tracks used by the Canal & Claiborne Railroad Company to Rampart street, along Rampart street to Delord street or Calliope street, at the option of the purchaser or purchasers, thence to Franklin street, up Franklin street to Jackson, on Jackson to Freret street. Freret to north side of Louisiana avenue, north side of Louisiana avenue to Dryades street, Dryades to Peters

avenue; returning through Dryades to Dufossat street, Dufossat to Baronne street, Baronne to Louisiana avenue, Louisiana avenue to Howard street, Howard to Jackson street, Jackson to Franklin, Franklin to Calhoun or Delord street, at the option of the purchaser or purchasers; thence out lower side of Delord to Dryades street, down Dryades to Canal street, up Canal to point of commencement; also commencing as above; thence out Canal street over the tracks used by the Canal & Claiborne Railroad Company to Chartres street, down Chartres to Port street, Port to North Peters street, North Peters to depot of the New Orleans & Northeastern Railroad Company; returning via North Peters street to Ursulines street; thence on the tracks of the Orleans Railroad Company on Decatur street from Ursulines street to North Peters street at Dumaine street, continuing up North Peters street from Dumaine street to St. Louis street, thence on Decatur street from St. Louis street to Canal street, and thence over the tracks of the Canal & Claiborne Railroad Company to starting point at Canal and Wells streets.

Provided, That at the expiration of the franchise of the Levee & Barracks Line, the said proposed line shall be extended to the lower limits of the city, through the following streets, to-wit: On Peters, from the New Orleans & Northeastern Railroad to Clouet street, Clouet to Chartres street, Chartres to Poland street, Poland to Peters street, Peters to lower limits of the city; returning through Peters to Hancock, Hancock to Dauphine, Dauphine to Poland street, Poland to Royal street, Royal to Montegut street, Montegut to Peters street, Peters to the New Orleans & Northeastern Railroad. It being optional with the purchaser of said franchise to run a double track on Peters street, from Poland street to lower city limits, or returning track on any street parallel to Dauphine street, below Poland street.

ART. 2541. (2) That Ordinances Nos. 5137 and 5727, C. S., be and the same are hereby repealed.

Repealing ordinances Nos. 5137 and 5727, C. S.

ART. 2542. (3) That at the expiration of twenty-five

Reversion. Ib. years the railway and appurtenances to be constructed under the said franchise shall revert to the city of New Orleans on an agreed valuation to be fixed by two experts, one appointed by the city and one by the owner of the said franchise; and, in case of their disagreement as to a valuation, the Civil District Court of the parish of Orleans, is, upon the suit of either party, to nominate a third expert, and a decision of a majority of the three shall be final as to the said valuation.

Deposit. Ib. ART. 2543. (4) That every bidder for the purchase of the said franchise shall, as a condition precedent to the receiving of such bid by the City Comptroller, deposit with the City Treasurer the sum of twenty-five thousand dollars in United States currency, and shall, at the time of bidding, file receipt therefor with the City Comptroller; and no bidder shall be considered who has failed to file the receipt of the City Treasurer with the City Comptroller showing that he has made such deposit. The deposits of all successful bidders shall be immediately returned to them, and the twenty-five thousand dollars of the highest bidder shall be held as security that he will sign the contract in case his bid is accepted by the City Council, and give the bond required for the completion of the work, and in case of failure of the successful bidder to sign said contract and to give the said bond, the said twenty-five thousand dollars shall be forfeited to the city as liquidated damages.

Bond. Ib. ART. 2544. (5) That the successful bidder shall be required, within ten days from the date of the acceptance of his bid by the City Council, to enter into a notarial contract before the City Notary with the city of New Orleans, embodying all the terms and stipulations of this contract, and shall be required at the time the said contract is signed to give the city of New Orleans a bond with good and sufficient security satisfactory to the Mayor, in the sum of fifty thousand dollars, conditioned upon his faithful compliance with all the terms and conditions of this ordinance and of his bid.

Sale. Ib. ART. 2545. (6) That the said franchise shall be sold under all the above provisions of this ordinance; and,

also, on such other specifications as may be prepared by the City Engineer and made part hereof.

SPECIFICATION OF TERMS AND CONDITION OF SALE.

ART. 2546. Commencing at Canal and Wells street, thence along Canal street, over the tracks used by the Canal & Claiborne Railroad Company, to Rampart street, along Rampart to Delord street or Calliope street, at the option of the purchaser or purchasers, thence to Franklin street, up Franklin to Jackson, out Jackson to Freret street, Freret street to north side of Louisiana avenue to Dryades street, Dryades street to Peters avenue; returning through Dryades to Dufossat street, Dufossat to Baronne street, Baronne to Louisiana avenue, Louisiana avenue to Howard street, Howard to Jackson street, Jackson to Franklin street, Franklin to Calliope or Delord street, at the option of the purchaser or purchasers, thence out lower side of Delord to Dryades street, down Dryades to Canal street, up Canal street to point of commencement; also commencing as above, thence out Canal street, over the tracks used by the Canal & Claiborne Railroad Company, to Chartres street, down Chartres street to Port street, Port to North Peters street, North Peters street to depot of New Orleans & Northeastern Railroad Company; returning via North Peters street to Port street, Port to Decatur street, Decatur street to Ursulines, thence on the tracks of the Orleans Railroad Company on Decatur street from Ursulines street to North Peters street at Dumaine street, continuing up North Peters street from Dumaine to St. Louis street, thence on Decatur street from St. Louis street to Canal street, and thence over the tracks of the Canal & Claiborne Railroad Company to starting point at Canal and Wells streets.

Provided, That at the expiration of the franchises of the Levee and Barracks line the said proposed line shall be extended to the lower limits of the city through the following streets, to-wit: On Peters, from the New Orleans & Northeastern Railroad to Clouet street, Clouet street to Chartres, Chartres to Poland, Poland to Peters,

Route.
Ord. No. 6353,
C. S.
May 24, 1892.

Proviso. Ib.

Peters to lower limits of the city; turning through Peters to Hancock, Hancock to Dauphine, Dauphine to Poland, Poland to Royal, Royal to Montegut, Montegut to Peters, Peters to the New Orleans & Northeastern Railroad. It being optional with the purchaser of said franchise to run a double track on Peters street from Poland street to lower city limits, or returning track on any street parallel to Dauphine street below Poland street.

ART. 2547. These specifications are for the purpose of delineating the conditions under which this franchise shall be sold for a period of twenty-five years, the purchaser to assume ownership and control of the franchise immediately on the acceptance of the bond and the signing of the contract.

Tracks.

ART. 2548. All the new tracks, as also all the old tracks over which this franchise conveys privileges shall be of girder rails, of pattern, dimension, and weight to be approved by the City Engineer. The ties shall be not less than six by ten by nine feet long, and not more than three feet from centres, and top of tie to be not less than ten inches below the top of rail to allow for paving. The ties shall be of red swamp cypress entirely free from all defects. The ties when laid to be thoroughly tamped and made firm and solid. At such points where the ground is soft under the tie this soft or rotten earth shall be removed and the surface upon which the tie rests shall be rammed to a uniform surface with bats or gravel.

Cars.

ART. 2549. The cars to be strong and substantial, of neat design and finish and of modern make, provided with all modern appurtenances requisite to electric cars, their construction and design to be approved by the City Engineer.

Crossings.

ART. 2550. At points where the tracks of this road cross the tracks of other roads or of steam railroads the crossings shall be constructed of either cast iron or sectional steel, made in such manner as to form a continuous rail for each rail of each track, plans of these

crossings to be submitted to and be approved by the City Engineer.

ART. 2551. This line shall be operated by electricity, Motive power. and the system adopted shall be the most approved and successful system now in operation. Each motor car will be allowed to haul trailers.

ART. 2552. Each motor car shall carry a motorman and one conductor, and both these men to be uniformed Conductors. by the company operating the road.

ART. 2553. Cars shall not stop except on the further Stops. side of street crossings, and cars shall not wait for passengers who are not on the street along which they run.

ART. 2554. The platform of cars shall be provided Gates. with gates, and on streets where double tracks exist the gate on the side toward the centre of the street shall be closed. Passengers will not be allowed to get on or off cars on the side where the gate is closed, as above specified.

ART. 2555. The speed of cars shall not exceed twelve Speed. miles per hour, except by special consent of the Council.

ART. 2556. The wires conveying electric current to Wires. motors shall be of proper size, and shall be properly strung, stretched, secured and insulated on poles.

ART. 2557. The poles carrying the wires shall be Poles. strong and substantial, of either iron or wood, and if wood is used same shall be of cedar. These poles shall be of neat design and neatly painted. The location of the poles will be such as not to interfere with drainage or commerce, all locations of poles to be approved by the City Engineer. The poles are to be properly set and secured in the ground, and any damage to private or public property ensuing from the improper erection of poles is to be made good at once by the purchaser of this franchise.

ART. 2558. Cars to be run at intervals of not greater Hours. than five minutes from 5 o'clock A. M. to 10 o'clock P. M. and not greater than fifteen minutes from 10 P. M. to 12 o'clock midnight, and not greater than 30 minutes from midnight to 5 o'clock A. M.

Fares.

ART. 2559. The fare shall be fixed at five cents for any distance, excepting from 12 o'clock midnight to 5 A. M., when the fare will be ten cents.

Square block
paving to be
relaid.

ART. 2560. All streets through which the tracks run—according to franchise—which are paved with square block, it (the square blocks), where directed by the City Engineer, shall be taken up from curb to curb and the whole laid at such grade as the City Engineer shall establish.

Specifications
for relaying
square block
pavement.

ART. 2561. Any soft or rotten earth in sub-grade to be removed and filled with bats of gravel, and the whole sub-grade to be solid, firm and uniform. This sub-grade to be twelve inches below grade, on top of, which will be placed a cushion of gravel in which will be set the stone. This gravel cushion to be of proper depth to allow the surface of pavement to be three-eighths inch above grade given when stone is thoroughly rammed; the gutters and wings to be constructed to grades and under directions given by the City Engineer; the curbing to be relined when necessary. Where necessary to improve drainage, a counter curb of blue stone three and one-half to four inches thick will be furnished and set, and where this counter curb is four inches deep the gutter is to be of concrete on a bed of six inches of gravel, otherwise the gutter will be of regular gutter stone set to grade given by the City Engineer. Any wing curbs which are too narrow or broken, and any square block which is unshapen, too badly abraded or cracked, and which can not be laid in a satisfactory manner will be removed and to become the property of the purchaser of this franchise, who will furnish new of same quality as the old. The stone between tracks and between rails will be laid at right angles to the street. All stone between gutter and outer rail of tracks to be laid diagonally. The stone adjoining rail to be neatly cut and to make a joint against the outer rail not more than three-eighths of an inch open. The whole pavement when laid to have interstices filled with coarse sharp sand and fine gravel and swept in by brooms, and the joints to be run full with hot coal tar. The old paving stone will be laid with their fairest face up.

ART. 2562. All culverts crossing streets which are paved with square block, and through which the tracks of these lines run, shall be rebuilt with brick walls, cement bottoms and iron covers, and according to plans furnished, and under the direction of the City Engineer. If in the opinion of the City Engineer—with the view to improving drainage—it is necessary to widen bridges, already covered with iron, same will be widened and new iron covers furnished by the purchaser of these franchises. The object being that while the work is being done and the streets torn up the work may be in every way substantial and in such manner as to best subserve the public interests, as also the interests of the purchaser of these franchises.

Bridges for
streets paved
with square
block stone.

ART. 2563. On all streets now paved with cobble-stone, through which the track of these lines run, the portions between tracks and rails and for a distance of twelve inches on each side of outside rail will be laid with Belgian block pavement on a base of concrete six inches thick, excepting on such streets where there are tracks owned by other corporations. On streets where there are tracks owned by other corporations the purchaser of these franchises shall be obligated to keep in repair the side of the street upon which their tracks are built from the curb to the centre of such street, and the material with which these streets shall be rebuilt or repaired shall correspond with what is obligatory on the part of the corporation owning the other track or tracks. The street between the gutter and the Belgian block to be graded and the cobble-stones relaid to the grade given by the City Engineer and to his satisfaction. When necessary to use counter-curb, same will be furnished and set three and one-half to four inches thick and the gutter bottom will be of concrete, otherwise gutter bottoms will be of usual grade of gutter stone. All wooden wings or broken stone wings will be replaced by new stone wings three and one-half to four inches thick. All bridges to be of brick with iron covers, same as specified above for square block.

Cobble-stone
streets.

ART. 2564. Through all unpaved streets traversed by

Unpaved streets. the rails of these lines the space between tracks may be paved at the option of the purchaser of these franchises with either Belgian block (as above specified for cobble-stone streets), or with cobble-stones, or with three by twelve inch yellow pine plank laid transversely, with four by twelve-inch counter plank on outside of outside rails placed flushed with top of rails. All planks to be thoroughly secured in a satisfactory manner to the City Engineer. The gutters and wings to be renewed with wood where required by the purchaser of these franchises and constructed to plans and placed to grades furnished by the City Engineer. Gutter bottoms to be two inches, wings three inches, counter curb two inches by eight inches, all of good cypress lumber. All bridges to be constructed with brick walls, concrete bottom and wood top, as per plans, and to grades furnished by the City Engineer. The dirt roadway on each side, between rail and gutter, to be graded to lines and grades, and to the satisfaction of the City Engineer. The low places, or places where the grade established requires filling the street, will be filled by the purchaser of these franchises.

Maintenance. ART. 2565. All the streets through which the tracks, under the provisions of the franchise, run, shall be first placed in first-class order, as per the above-enumerated classes, and the streets paved with old square block, new square block, cobble-stone, as also the dirt streets, shall be maintained in first-class order from curb to curb, including all gutters, wings, gutter bottoms, bridge tops, culverts, walls, counter curb, cross walks, roadbed, paving, etc., for the whole period the franchises are enjoyed by the purchaser, his or their heirs or assigns.

Enforcement of obligations. ART. 2566. The Commissioner of Public Works is to be the sole judge as to what shall constitute proper maintenance, and any official communication addressed by him to the party having in charge the property conveyed by this franchise shall receive attention within forty-eight hours, and in the event of no reply or response to said official letter of said Commissioner of Public Works to said party in said time, the Commissioner of Public Works shall officially notify the presi-

dent of the company or his representative, according to the charter of the company, setting forth in plain manner what is required to be done to comply with the obligations of the said purchaser or purchasers of this franchise, his or their heirs or assigns; and, if after three days, no steps are taken or no agreement is reached relative to the matter in hand, the Commissioner of Public Works shall cause to be made the repairs or reconstruction necessary, and will present a bill for the cost of same for payment to the said owner of the franchise. And in the event of failure to at once liquidate the debt, the amount of said bill incurred, in accordance with the above restrictions, shall be collected without any cost or trouble of any nature or kind whatsoever from the bond given, it being understood that the wording of the bond shall be such as to admit of the easy and successful enforcing of the above-mentioned provisions.

ART. 2567. If at any time during the term of the franchise the streets traversed by these lines, now paved with cobble-stone, or dirt streets, should be paved, the purchaser of the franchise, his or their heirs or assigns, shall assume the city's portion of said payment and shall pave between the tracks and rails with the same pavement as that laid on the balance of the street, excepting where Belgian square block pavement is at the time already laid. Should gravel be used in the paving of streets, the space between the rails and twelve feet on outside of rail shall be paved with Belgian block, laid on a concrete foundation of six inches, as above specified for cobble-stone streets.

Future paving
of streets.

ART. 2568. The party or parties to whom the right of way is sold shall engage and contract with the city of New Orleans to commence, within sixty days from the adjudication of the contract, the following pavements:

New paving.

1. The paving on the north side of Howard avenue from Rampart street to Baronne street, including the intersection at Rampart street.

2. The paving of Jackson street from Baronne street to the swamp side of Freret street.

3. The paving of Baronne and Dryades streets from

Louisiana avenue to Napoleon avenue. All the above streets to be paved with either Rosetta or Hoskins gravel, under the general specifications for gravel pavements on file in the office of the City Engineer, at the sole cost of the purchaser.

Paving Char-
tres street.

ART. 2569. The square block paving on Chartres street, from Canal street to Esplanade street, shall be entirely taken up and relaid to lines and levels and in a manner satisfactory to the City Engineer, as fully described under specifications for relaying square block pavement as above enumerated.

Bonds.

ART. 2570. All bidders for these franchises will be obligated to carry out the stipulations and conditions contained in the foregoing specifications, and as a bonus, or in addition to what is specified above, bidders will state how much money they will expend in the pavement, on the presentation of the certificates issued to the contractor, as provided by law, of the city's portion of gravel pavements to be laid on such streets as the Council may designate.

Materials and
workmanship.

ART. 2571. All the materials furnished and work done by the purchaser or purchasers of these franchises shall be first class in every particular and to the entire satisfaction of the City Engineer, who shall be sole judge as to all materials and workmanship, and all the work done shall be completed to lines and grades under the directions of the City Engineer. In the construction of the work and in the maintenance of the same, as described in the foregoing specifications, the purchaser or purchasers of these franchises, his or their heirs or assigns, shall comply with all existing police regulations, and shall be governed by Article No. 133 of the acts of the Legislature of Louisiana for the year 1882 as to penalties, etc.

Time of com-
mencement and
completion of
work.

ART. 2572. The purchaser shall begin the construction of the railroad provided for under these franchises within sixty days from the date of the signing of the notarial contract, and shall complete the same within twelve months from the date of such commencement.

The city reserves the right to reject any and all bids.

ART. 2573. That the Mayor be and he is hereby authorized and directed to enter into notarial contract with Judah Hart for the right of way for street railway purposes for the term of twenty-five years over the certain streets specified in Ordinance No. 6352, Council Series, and in accordance with terms and specifications contained in Ordinance No. 6353, Council Series, as per his bid of September 10, 1892.

Accepting bid
of Judah Hart.
Ord. No. 6742,
C. S.
Sept 29, 1892.

NEW ORLEANS BELT RAILROAD.

ART. 2574. (1) That Adolph Schreiber, L. J. Higby, their associates and assigns, be and are hereby authorized and empowered to build and lay down a railway track, with all switches, turnouts and sidetracks that may be necessary, according to lines and levels furnished by the City Surveyor, and operate the same by steam or otherwise, for the transportation of grain, merchandise and any other product or freight, to-wit:

To construct
railroad track
for freight.
Ord. No. 4099.
A. S.
June 16, 1877.

Commencing at a point at or near the intersection of Louisiana avenue and Water street; thence down through Water street to a point on the levee at the head of Julia street, with the right to connect their said track with the main track of the New Orleans, Jackson & Northern Railroad by a line extending from the initial point down Louisiana avenue to the intersection of said avenue with said railroad, and also the right to connect their track with the depots or termini of the New Orleans, Jackson & Northern Railroad, Morgan's Louisiana & Texas Railroad, New Orleans & Mobile Railroad, and New Orleans Pacific Railroad, by the shortest and most convenient streets or lines, on application by said company to that effect.

Route.

ART. 2575. (2) That this right of way, franchises and privileges is granted for the term or twenty years, on the following conditions, to-wit:

Duration of
privilege.

(a) The said grantees shall commence the building of said track within sixty days after the passage of this ordinance, and have so much of the same as connects the terminus of the New Orleans, Jackson & Northern Railroad with the grain elevator complete and in

When to com-
mence work.

To be completed. running order within nine months from the passage of the same, That the connection from the grain elevator through Louisiana avenue, connecting with the Jackson & Northern Railroad, be completed within two years from the passage of this ordinance, under penalty of the forfeiture by said company of all the rights and franchises granted to her to run through Louisiana avenue.

Additional connections. (b) The said grantees are to replace in good order so much of the streets as may have been disturbed or torn up by the construction of said railroad, and when the same passes through paved streets, or streets which may hereafter be paved, shall keep in like good order and condition every portion of said streets, from curb to curb, including bridges and crossings, during the entire term of this franchise; provided, that this clause does not apply to such streets or portions of streets the repair or good condition of which is heretofore provided for by previous contracts.

Forfeiture. Streets to be kept in good order. City Surveyor. All work shall be executed under the direction and supervision of the City Surveyor, and completed to the satisfaction of the Administrator of Improvements and the Administrator of Commerce.

Trackage. (c) Said railroad shall be open to the use of any railroad terminating in the city of New Orleans at an agreed rate of transportation or trackage, subject to such rules and conditions as may be necessary for the safe and convenient use of the same; provided, nothing herein contained shall be construed as giving a right to any of said companies to supply their own motive power.

For freight only. ART. 2576. (3) That the right herein granted shall apply only to a railroad for freight purposes, and that the track shall never be used or converted into a thoroughfare for the transportation of passengers without the consent of this Council, and provided, moreover, that the said grantees, associates and assigns shall not permit the use of their track for any connecting railroad whose tariff rates of transportation for freight (inward or outward bound) shall show any discrimination against the city of New Orleans.

ART. 2577. (4) That the fuel and motive power used upon said road shall be similar to that in use on St. Joseph street by the New Orleans, Jackson & Northern Railroad, so as to offer the slightest inconvenience possible to the residents along the line of said track. It is, moreover, understood that in case of the erection of any other elevators in the future similar to the present one in front of Harmony street, that they shall be entitled to equal connections and the same advantages, and that no discrimination shall be made against the new ones or in favor of the present elevator by said railroad company.

Motive power.

Discrimination not allowed.

ART. 2578. (5) That this ordinance take effect from and after its passage.

Repealing clause.

ART. 2579. (1) That the New Orleans Belt Railroad Company, a duly incorporated body under the laws of Louisiana, be and is hereby authorized and empowered to construct, maintain and operate a railway track with all switches, turnouts and sidetracks that may be necessary, according to lines and levels furnished or to be furnished by the City Surveyor, approved by the City Council, and operate the same by steam power or otherwise, for the transportation of grain, merchandise and other product or freight on the following lines and streets and places in the city of New Orleans, to-wit:

To construct railroad track. Nov., 1870.

Commencing at the intersection of the main line of the Chicago, St. Louis & New Orleans Railroad at Claiborne street, or at such distance therefrom as to make an easy curve from said main track into Claiborne street; thence up Claiborne street to Louisiana avenue; along and up Louisiana avenue to Water street and the Mississippi river; down Water street from Louisiana avenue to head of Julia street, with the right to connect their said track with the main track of the Chicago, St. Louis & New Orleans Railroad; thence down St. Joseph and other streets on the line now operated by the Chicago, St. Louis & New Orleans Railroad to the point of beginning; with also the right to connect their track by the shortest and most convenient lines and streets with the depots and termini of the New Orleans & Mobile Railroad, New Orleans Pacific Railroad and Morgan's Louisiana

Right of way.

& Texas Railroad, and any other railroad freight depots that may be established, on application to the City Council of the city of New Orleans by said companies to that effect, respectively, or by any one of them.

Terms and
conditions of
grant.

ART. 2580. (2) That this right of way, franchises and privileges are granted for the term of twenty years on conditions following, to-wit:

Streets to be
kept in good
condition.

(a) That said grantees are to replace in good order so much of the streets as may have been disturbed or torn up by the construction of said railroad, and when the same passes through paved street or streets which may hereafter be paved shall keep in like good order and condition every portion of said streets from curb to curb, including bridges and crossings, during the entire term of this franchise; provided, that this clause does not apply to such streets or portions of streets the repairs or good condition of which is heretofore provided for by previous contracts. All work shall be executed under the direction and supervision of the Administrator of Improvements and City Surveyor and completed to the satisfaction of the Administrator of Improvements and the Administrator of Commerce.

Trackage.

(b) Said railroad shall be open to the use of any railroad terminating in the city of New Orleans at an agreed rate of transportation or trackage, subject to such rules and conditions as may be necessary for the safe and convenient use of the same; provided, nothing herein contained shall be construed as giving a right to any of said companies to supply their own motive power.

Right granted
to freight rail-
road only.

ART. 2581. (3) That the right herein granted shall apply only to a railroad for freight purposes, and that the track shall never be used or converted into a thoroughfare for the transportation of passengers, without the consent of the Council, and provided, moreover, that said grantees, associates and assigns shall not permit the use of their track for any connecting railroad whose tariff rates for transportation of freight (inward or outward bound), shall show any discrimination against the city of New Orleans; and provided further, that if the said New Orleans Belt Railroad Company shall, at

a future day, erect a union passenger depot for the use and accomodation of one or more of the railroads terminating in this city, at a point to be designated and approved by the Council, nothing herein contained shall be construed as preventing the running of the passenger trains, complete and entire, to said depot.

Passenger depot.

ART. 2582. (4) That the fuel and motor power used upon said road shall be similar to that now in use on St. Joseph street by the Chicago, St. Louis & New Orleans Railroad, so as to offer the least inconvenience possible to the residents along the line of said track. It is, moreover, understood that in case of the erection of any other elevators in the future, similar to the present one in front of Harmony street, that they shall be entitled to equal connections, and the same advantages, and that no discriminations shall be made against the new ones, or in favor of the present elevator, by said railroad company.

Fuel and motive power.

Art. 2583. (1) That the New Orleans Belt Railroad Company (assignee of all the rights and privileges heretofore granted under Ordinance No. 4009, Administration Series) is hereby authorized and empowered to construct, maintain and operate a railroad on Claiborne street, from the intersection of Louisiana avenue to the track of the Chicago, St. Louis & New Orleans Railroad, in lieu of their present right to extend said road from the intersection of Claiborne along Louisiana avenue to said main track of Chicago, St. Louis & New Orleans Railroad, subject to all the provisions and in accordance with the terms and conditions in said Ordinance No. 4009 contained.

Railroad on Claiborne street
Ord. No. 4279,
A. S.
Dec., 1879.

ART. 2584. (1) That the New Orleans Belt Railroad Company, its successors and assigns, is hereby authorized and empowered to construct, maintain and operate, by steam or horse power, a line of railroad from the intersection of Calliope and Claiborne streets, down Claiborne to the intersection of Canal street, on the central or neutral ground of the same; provided, that the bridge over the New Canal be constructed in a manner to be at all times useful to the public for the passage of vehicles

Railroad from Calliope on Claiborne to Canal street.
Ord. No. 4371,
A. S.
Feb., 1879.

and pedestrians, in accordance with the plans and specifications to be furnished by the City Surveyor, and to the satisfaction of the Council, and the bridge-keepers to be employed at the expense of the Belt Railroad Company.

Union passenger depot.

ART. 2585. (2) That the neutral ground of Claiborne street, from Common street to Canal street, be hereby dedicated to a public use as a union passenger depot, and hereby leased for a term of ninety-nine years to the New Orleans Belt Railroad Company, its successors and assigns, for the purpose of constructing, maintaining and operating a railroad passenger depot on said neutral ground, or so much thereof as may be necessary, with all such powers and rights as may be appurtenant or incidental thereto, for and in consideration of an annual ground rent of six per cent. upon the cash valuation of the marked ground hereby leased, which valuation is hereby fixed at the sum of \$40,000, subject to re-valuation or re-assessment every twenty-five years from the commencement of this lease, payable by the said New Orleans Belt Railroad Company to the said city of New Orleans, in quarterly instalments, beginning six months after the ratification by the Legislature; provided, said depot is built in accordance with plans and specifications approved by the City Council.

Right to run passenger trains.

ART. 2586. (3) That the right to run passenger trains of such railroads as may contract for the use of said depot over the line of the said New Orleans Belt Railroad Company is hereby granted to said road.

Removal of Claiborne street market.

ART. 2587. (4) That the building, in part or in whole on said leased ground, known as the Claiborne Street Market, shall be removed and re-erected at the cost and charge of the New Orleans Belt Railroad Company on such ground as may be designated by the City Council, in accordance with the plans to be furnished by the City Surveyor, and to the satisfaction of the Council; provided, that the materials used in the present structure be employed in the new building, except such as are unfit from wear or natural decay.

ART. 2588. (5) That so much of this ordinance as leases neutral ground of Claiborne street, between Canal street and Common street, is to take effect only after its ratification and confirmation by the General Assembly of the State of Louisiana, during the present session thereof, otherwise this ordinance shall be null and void.

ART. 2589. (6) That the work of construction, both of said railroad and said depot, shall be commenced within six months, and shall be completed within three years after said ratification, and that the trees on both sides of said railroad shall be kept up by said Belt Railroad Company at its own expense.

ART. 2590. (7) That said Belt Railroad shall be bound to establish and preserve proper drainage on all the streets intersecting their tracks, and shall always keep the streets and sidewalks crossing their track, or tracks, in good order and condition, and maintain the grade of the same, the whole width of said neutral ground, on proper level with said tracks. They shall also keep in good order and condition the banks of the New Canal, a distance equal to the width of said Claiborne street, and shall keep the levees of the same at such a height as to prevent overflow.

See Neutral Ground, p. 528.

WATKINS RAILROAD.

ART. 2591. (1) That the city of New Orleans does hereby grant to W. H. Watkins and his associates, successors or assignees, the right to construct, maintain and operate a single or double track railroad upon the route and lines hereinafter described, and to use steam locomotive or other appropriate motive power.

Provided, that within sixty (60) days from the promulgation of this ordinance the said W. H. Watkins and his associates will, under penalty of the nullity of this grant by the mere lapse of time, cause the same to be transferred to a corporation organized under the laws of this State with its domicile in this city, which corporation shall provide in its charter for the assumption of this grant on such terms as may be agreed upon by it and the said W. H. Watkins and his associates.

Ratification
by the General
Assembly.

Commence-
ment and com-
pletion of work.

Drainage and
streets.

Franchise.
Ord. No. 10,392,
C. S.
March 5, 1895.

Corporation
to be organized
Ib.

That the route upon which the said railroad company may construct is as follows:

Right of way.
1b.

ART. 2592. (2) Beginning on Hagan avenue and Caliope street, connecting with the tracks of the Illinois Central Railroad Company, thence on Hagan avenue, connecting with the switch track of the Southern Chemical and Fertilizing Company, Limited, thence upon and along the extension of Hagan avenue and Hagan avenue to a point near Bienville street, thence along by the shortest practicable route to the intersection of Hospital or Barracks street and Metairie road, thence along Hospital street or Barracks to a point on or near Taylor avenue, thence to Bayou St. John, crossing Bayou St. John on an iron draw-bridge with a clear opening of fifty feet, on to the embankment of Marigny Canal or Pleasure street or avenue, and along said embankment or avenue to Marigny avenue, thence along and upon Marigny avenue to Elysian Fields street, with the right to there connect with the switch tracks of the Standard Guano and Chemical Manufacturing Company, and to cross and connect with the tracks of the Pontchartrain Railway and the Louisville & Nashville Railroad on Elysian Fields street, thence along Florida walk to People's avenue, with the right to there connect with and cross the tracks of the New Orleans & Northeastern Railway to Montegut street, thence down Montegut street to St. Claude avenue and there connect with the New Orleans & Southern Railroad, with the right to cross all intervening streets, to the lower limits of the city, and with the right to make suitable connections with the slaughterhouses of the people's Slaughterhouse Company and the Crescent City Slaughterhouse Company, by spur tracks now existing or such others as may be necessary.

Intersections.
1b.

ART. 2593. The right is further granted to cross all intervening railroads, street railroads, canals, streets, alleys and other unimproved city property along the entire route above described, with the right to make such local variations from the above described route as may construct proper and suitable curves connecting

with the various roads and parts of roads above described, and with the right to cross or extend along streets, alleys, canals and unimproved city property, with the right to construct such turnouts and switches as may be necessary to make a connection with all the railroads touched by the railroad herein described, and with the industries which are now or may hereinafter be located along said route. The City Engineer shall upon request of the aforesaid grantee furnish or approve the lines and levels upon which said railroad tracks or any part thereof are to be constructed, and said railroad, or any part thereof, shall be constructed upon such lines and levels as furnished or approved, provided this grant shall not interfere with grants made heretofore by the State of Louisiana or the city of New Orleans to other railroads, but shall be subject thereto.

ART. 2594. (3) That the railroad aforesaid shall at all times be constructed and maintained so as not unreasonably to interfere with the right of passage along and over the streets through which the said road runs. All streets through or across which said railroad runs shall be restored to substantially as good conditions as they were prior to the time of laying such tracks therein.

Construction.
Ib

ART. 2595. (4) That proper and efficient gates shall be placed on Canal street at the intersection of Hagan avenue, and watchmen to operate said gates.

Gates.
Ib.

ART. 2596. (5) That the grantee, his successors or assigns aforesaid, shall have the right to construct switches, sidetracks and turnouts into such property as they may acquire and use for the purpose of depots, yards or repair shops along the line of said railroad.

Switches, etc.
Ib.

ART. 2597. (6) Should at any future time a Belt Railroad be built, and it should become necessary that the aforesaid road or route be used to complete such belt, then the same may be so used for such purpose.

Belt road.
Ib.

ART. 2598. (7) No garbage shall be transported over the said road.

ART. 2599. (8) This road or route shall at all times be open to any of the railroads now entering the city of

Use.
Ib.

New Orleans, or to any roads that may hereafter enter said city, or to any individual or corporation having manufacturing enterprises along the route of said road, or to any person or corporation desiring the use of said road for the transportation of cars "into and out of the city," upon the payment of charges as set forth in section 9.

Charges. **ART. 2600. (9)** Charges for use of this track shall not be more than \$2 per car.

Work to commence. **ART. 2601. (10)** Work on the said road shall commence within sixty days after the final and conclusive determination by judgment of the suit entitled New Orleans City & Lake Railroad Company vs. W. H. Watkins, No. 45,472 of the docket of the Civil District Court; the true intent and meaning of this amendment being that the obligations to commence work in the construction of the railroad, the franchise for which is granted by said ordinance, shall only begin to run from the final and conclusive determination of the said suit.

Amended by
Ord. No. 10,872,
C. S.
June 11, 1895.

Bond. **ART. 2602. (11)** The grantee shall furnish a bond subject to the approval of the Mayor in the sum of twenty-five thousand dollars (\$25,000), for the faithful carrying out of the provisions of this ordinance.

City to be held harmless. **ART. 2603. (12)** The city shall be held harmless from any damages resulting from the construction of the operation of this road.

Term. **ART. 2604. (13)** That the franchises and rights granted and acquired by this ordinance shall endure and continue for the term of ninety-nine years from the date of the signing of the contract.

Repealing clause. **ART. 2605. (14)** That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

SWITCH TRACK PRIVILEGES.

ART. 2606. Whereas, corporations, firms and individuals have in some cases made application to the City Council for switch track privileges, which being granted, have never been constructed; and,

Whereas, the granting of such privileges by the City Council is based upon the claimed necessity for same; therefore, be it ordained,

ART. 2607. That all switch-track privileges heretofore granted by the City Council that remain unconstructed and not ready for operation within sixty days after the promulgation of this ordinance be and they are hereby repealed.

Forfeited in
sixty days.
Ord. No. 5172,
C. S.
March 10, 1891.

ART. 2608. That any and all switch-track privileges hereafter granted shall be required to be completed within sixty days from the date of such grant, otherwise to be null and void, the City Engineer being hereby prohibited from giving any lines for such privileges, except under the provisions of this ordinance.

Null and void
unless com-
pleted in sixty
days.

1b.

ART. 2609. That from and after the promulgation of this ordinance each and every railroad or other corporation and every applicant for the privilege of laying a switch track or tracks, siding or sidings, turnout or turnouts, etc., shall submit with such application plans or sketches in duplicate, one copy of which shall be kept each by the City Engineer and the Clerk of the Council of the location of the track or tracks, etc., proposed width, length, etc., and said sketches shall also show all the existing tracks, if any, and by whom claimed, etc. This ordinance to apply to all existing rights.

Plans and
sketches.
Ord. No. 6821,
C. S.
Oct. 11, 1892.

ART. 2610. That all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Repealing
clause.

1b

ART. 2611. Whereas, the railroad switches fronting the wharves as now constructed cause a great deal of inconvenience to the general public having business on the river front; therefore, be it resolved,

ART. 2612. That the Commissioner of Public Works be and he is hereby instructed to notify the various companies owning the said switches to have same plankd between tracks to the satisfaction of the Commissioner of Public Works.

Plankd be-
tween tracks.
Ord. No. 7310,
C. S.
March 14, 1893.

ART. 2613. That His Honor, the Mayor, be and he is hereby directed and authorized to appoint a committee

Belt railroad.
Ord. No. 9403,
C. S.
July 3, 1894.

of ten members from the City Council, with the Mayor, City Engineer and City Attorney as ex-officio members of the said committee, and that His Honor, the Mayor, be further authorized to request the various exchanges and commercial bodies and labor organizations to appoint a committee of three from each of the said organizations, and that the various trunk lines entering the city be requested to each send a representative to serve on said committee, all of whom are to meet with a view of discussing and determining the most feasible plan for the establishment of a belt railroad in the city of New Orleans and to select the most suitable route for same.

SPECIFICATIONS

FOR THE WORK NECESSARY TO BE DONE TO CHANGE THE ST. CHARLES STREET RAILROAD COMPANY SO AS TO BE OPERATED BY ELECTRICITY.

1. The road will be reconstructed in the manner hereinafter described, and to lines and levels to be established by the City Engineer.

2. All work to be done in a thorough and first-class manner, and all materials furnished to be first-class and to the satisfaction of the City Engineer.

3. All of the tracks to be relaid with side-bearing girder rails of such shape, dimensions and weight as will be approved by the City Engineer. The preferable rail, and which will be used unless reasons show where the interests of all parties will be enhanced, will be four inches in depth. By using the above rail the same section can be laid continuous throughout the whole length of the street and crossing culverts.

4. If it is decided that a greater depth of rail will be superior to be used, the necessary arrangements will be required to be made so as to provide a depth of rail not exceeding four inches across all culverts.

5. The whole of the construction of the existing tracks to be removed and the sub-grade excavated smooth, even and uniform to a depth to admit of the construction as shown on the accompanying plans for the different streets.

6. On top of this sub-grade and extending four feet three inches on either side of the centre of track will be laid close one inch cypress planks in direction of the rail, on top of which planks will be placed four inches of good concreting gravel, on which will be laid the crossties, which crossties will be cypress five inches by eight inches by eight feet in length. These crossties to be thoroughly bedded, rammed and tamped in the gravel to bring

the surface of the rail to the proper grade, and every precaution taken to have the ties thoroughly solidified in the gravel. The ties to be spaced three feet centres, and the space between the ties to be filled in flush with the top of the tie with gravel or good earth rammed and packed in position. On top of the tie to suit the different classes of pavement on streets through which the tracks run will be placed a stringer directly under the rail and secured to each crosstie by a boat spike of sufficient length to extend into the tie three and one-half inches. This stringer to be of good sound cypress. This stringer will be of sufficient depth to admit of the proper laying of the different classes of pavement on streets through which the tracks run.

7. On dirt streets, anticipating the future paving of the streets, the sub-grade will be the same as above described for tracks through streets which are paved, and arranged to be planked with 3-inch plank between tracks and rails and for a distance of one foot on the outside of each outside rail. Should it be found that a greater depth of rail than that above described will be preferable to be used, dispensing with the stringer, the preparing of the sub-grade, etc., will be the same as that above described. Should a greater depth of rail be used, the rail will be either cut off or arranged in such manner as to allow only a depth of four inches where the rail crosses culverts. The rail will be thoroughly secured by spikes, in the usual manner, to the stringer, and a tie rod $\frac{3}{8}$ by 2-inch will be placed every eight feet to prevent the rails from spreading. These tie rods to be placed in the centre of the web of rail.

8. Such portion of the street as is necessary to take up or disturb for the proper execution of the work necessary to reconstruct the tracks where the grade is correct will be replaced in the most thorough and substantial manner with the same quality of pavement as now existing. Whenever the grade is raised the pavement shall be raised and repaired to form symmetrical arch. The necessary amount of paving on either side of the portion taken up as is necessary to rearrange and provide satisfactory conditions for traffic on the street will be rearranged at the time when the tracks are laid.

9. The gutters on the cross and parallel streets that are not paved and which *are* necessary to rearrange to provide proper conditions for the drainage of the street and the use of the street for traffic will be rearranged by the company *when the street is being repaired or rearranged*.

10. All existing culverts which are crossed by this railroad will be placed in a thoroughly first-class order and to grade with the same quality of material now existing *in conformity* with the existing franchise of this railroad company.

11. All culverts across streets which are now being improved will be constructed of brick, and of such dimensions and shapes

as will be designated by the City Engineer, and at the expense of the railroad company. They will also, when streets are being paved and the culverts gutters improved, put in the culverts gutters under their tracks, of brick, of such dimensions, etc., as directed by the City Engineer, at the expense of the railroad company, the portion of this work which will be charged up to the railway company being the portion directly under the track and for a foot on either side of the same where single tracks exist, and where double tracks exist, one foot on the outside of each outside rail, and between the tracks and rails.

12. The poles carrying the feed and trolley wires will be of iron or wood, of neat design, strong and substantial, and will be imbedded in concrete, the location of these poles to be such as will be approved by the City Engineer, and all damage accruing from the proper erection of the poles, to either private or public property, to be made good by the railroad company. The wires to be thoroughly insulated in the most approved manner, and the whole system of wiring conveying electricity to embody the most approved appliances for the operating of cars by the trolley system, or such other system as may be approved.

13. The motor cars may haul one or more trailers. Cars shall not be compelled to stop excepting at the further side of crossings, and they shall not wait for passengers who are not on the crossings ready to enter.

14. Where poles and wires have already been erected for the operating of cars by electricity upon any streets or parts of streets by any other company or person, this company shall use the said poles and wires so erected upon payment to the owners thereof a proper share of the cost of construction and maintenance of said poles and wires, and shall not be permitted to further obstruct the street by the erection of additional and unnecessary poles and wires.

The speed at which cars shall run, as also the time between running of cars, will be as may be from time to time determined proper as contained in ordinances which have and shall be passed by the City Council.

The cars to be of the latest approved pattern and finish, and shall at all times be kept clean and neat and in good operating order, and shall be provided with ventilators on the roof.

The right is given for the company to rearrange existing switches, turnouts, sidetracks and other necessary appurtenances, as also to construct such others as are necessary to provide proper facilities for the operating of the lines by electricity, provided all changes in the existing conditions or such new tracks as may be required for switches, turnouts, sidetracks, etc., are approved as to location and construction by the City Engineer.

All special work, such as switches, turnouts, curves, etc., are

to be approved by the City Engineer previous to their construction.

On neutral ground or private property the rails may be of the T pattern.

At points where the tracks of this road cross the tracks of other roads, either steam or tram, the crossings shall be constructed of steel made in such manner as to form complete continuous crossings according to plans on file in the office of the City Engineer. Where T rail crossings are used an inner or guard rail will extend on the inside of each rail to the prolongation of the property line or to where it meets a girder or flat rail, and will have a steel filler. The cost of construction and maintenance of all these crossings to be governed by the provisions of Ordinance No. 6547, C S.

The maintenance and repair of the road when same is completed to be done in a thorough and substantial manner and to the entire satisfaction of the Commissioner of Public Works.

All of the conditions, stipulations, etc., as to fare, maintenance, etc., as provided in the contract between this company and the city of New Orleans, under Ordinance 6557, C. S., to remain in full force and effect.

CITY ENGINEER.

Office of City Engineer, Room 19, City Hall, New Orleans, July 19, 1894.

ACT 77 OF 1886.

To amend and re-enact section 918 of the Revised Statutes of 1870, relative to placing obstructions upon, or in any way interfering with railways, and to increase the penalty therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana, That section 918 of the Revised Statutes of 1870 be amended and re-enacted so as to read as follows: "Whoever shall place any obstruction upon any railway within this State, with intent to hinder, or obstruct, or impede, or endanger free passing thereon, or with the design to injure the said railway, or the passengers, or engine, or cars passing thereon, or whoever shall take up, or loosen, or remove any part of the superstructure of any railway, with like intent or design, or whoever shall displace any switch upon any railway, with like intent or design, shall, on conviction thereof, be sentenced to imprisonment in the State Penitentiary for twenty years, and be fined at the discretion of the court; provided, the prosecution and punishment of all offences committed previous to the passage of this act shall be conducted in conformity with the laws in force previous to the passage of this act.*

ACT 81 OF 1882.

Entitled an act to authorize the city of New Orleans, in the sale or lease of franchise or right of way for street railroads, or other privileges, to apply the price paid for the same in the performance of works of public improvements of a permanent character, such as paving streets, embellishing parks, etc.

Whereas, Notice, as required by Article 48 of the Constitution, has been given of the intention to apply for the passage of this act; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That hereafter, whenever the city of New Orleans, through her proper authorities, shall contract with private corporations or individuals for the sale or lease of public privileges or franchises, such as the right of way for street railroads, or for other public undertakings, within her legal power and control, the price paid for the sale or lease of public privileges or franchises shall be applied by said city in the performance of works of public improvement of a permanent character, such as paving streets, embellishing parks, etc.

SEC. 2. *Be it further enacted, etc.*, That all laws and parts of laws, and especially so much of section 10 of Act No. 31, Acts of 1876, known as the Premium Bond Act, and of section 5 of Act No. 133, Acts of 1880, as may be in conflict herewith, be and the same are hereby repealed.

ACT 133 OF 1888.

Providing a summary remedy against corporations to compel a compliance with certain obligations and contracts with municipal corporations, and providing ways and means to enforce said remedy.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That in all cases where any corporation has heretofore contracted with, or may hereafter contract with, or shall be otherwise legally bound to any parish or municipal corporation in this State, with reference to the paving, grading, repairing, reconstructing or care of any street, highway, bridge, culvert, levee, canal ditch or crossing, and shall fail or neglect to perform said contract or obligation, the said parish or municipal corporation, or any officer thereof, or any five taxpayers thereof, shall have the right to proceed by a writ of mandamus to compel the performance of said contract or obligation, or any part thereof, which writ of mandamus shall be made returnable in five days, shall be tried by preference over all other cases, without a jury in vacation, as well as in term time, and in case of appeal shall be tried by preference in the appellate court.

SEC. 2. *Be it further enacted, etc.*, That in case any corporation

shall fail or neglect to comply satisfactorily with any judgment against it in such a proceeding within the time therein fixed (which time shall be fixed by the court at such period within which the work can be reasonably done), it shall be the duty of the court, on contradictory motion and proof taken in the same case, to issue a writ of distringas against said company, and to order the sheriff to do the work required to be done, and to apply the revenues and property of said company to defray the expenses incurred in executing the judgment of the court.

SEC. 3. *Be it further enacted, etc.*, That all laws and parts of laws contrary to the provisions of this act be and the same are hereby repealed.

Right of way granted over State lands. Act 84 of 1882.

To protect life and prevent accidents on trains and cars of railroad companies throughout the State. Act 39 of 1882.

Transfer of rights and franchises of railroads to purchasers under foreclosure provided for. Act 38 of 1877.

To provide equal but separate accommodations for the white and colored races in the depots of railroad companies, and defining the duties and powers of the agents and their employees of such railways. Act 98 of 1894.

Relative to certain contracts for the sale, conditional sale, lease or hire of railroads and street railway equipment and rolling stock, and granting a lien and privilege in such cases, and providing for the recording thereof. Act 111 of 1896.

Fixing the maximum tariff to be charged by railroad companies for carrying passengers in this State, and providing a penalty for violation of same. Act 133 of 1894.

Relative to special elections in the parishes, cities and incorporated towns of this State for the purpose of levying special taxes in aid of railway enterprises. Act 153 of 1894.

N. O. & Gt. N. R. R. Co., extending tracks to river. Act 78 of 1870.

Consolidation with Miss. Central authorized. Act 42 of 1874.

Consolidation with Chicago, St. Louis & N. O. R. R. ratified. Act 89 of 1878.

N. O., Mobile & Chattanooga R. R. Co., incorporated. Act 28 of 1868.

Exclusive wharf privileges. Act 67 of 1869.

N. O., Mobile & Texas R. R. Co. authorized to convey to N. O. & Texas R. R. Co. certain property and franchises. Act 86 of 1874.

N. O. & N. E. R. R. Co., incorporation of the Mandeville & Sulphur Springs R. R. Co. Act 159 of 1868.

Name changed to N. O. & N. E. R. R. Act 60 of 1871.

Extension to New Orleans. Act 106 of 1871.

N. O. Pacific R. R. Co., incorporated. Act 14 of 1876.

DECISIONS.

The city may grant the right of way in the streets to private individuals for a limited period, with the privilege of laying rails and running horse cars over them, in such a manner as not to prevent the use of the streets by other modes of conveyance, and according to a fixed tariff. Such power may be exercised under Act 14th March, 1816, Sec. 1, No. 37; 8th March, 1836, Sec. 20, No. 16; 21st March, 1850, Sec. 19, No. 202; 14th March 1855, Sec. 7, No. 131; C. C. 859; 14 An. 842.

Can allow railroad on streets. 34 An. 467; 35 An. 643, 1067.

The city has a right to grant a right of way through her streets and other property. 35 An. 1062.

The Legislature of the State has vested the city of New Orleans with authority to regulate the use of her streets, and to authorize the establishment thereon of railroads operated by steam. 38 An. 599.

The original guarantee from the city of New Orleans of a franchise, or privilege, of a right of way over certain streets for railroads, for a term of twenty years, can not, after the expiration of said term, enjoin the city from advertising and selling the same franchise on the ground that the city has failed to comply with its alleged contract obligation to take and pay for its "railroad, rolling stock, equipments and fixtures." Such failure, even if the obligation existed, could not operate to prolong the franchise, or to restrain the city in the exercise of its sovereign authority over its streets for the benefit of the people to whom they belong in common. 39 An. 709.

Under the Constitution and law of the State of Louisiana, the city of New Orleans is clothed with full and exclusive power to grant franchises for the construction and operation of passenger street railways, by steam or horse power, within her corporate limits, including the right of regulating the rates of fare to be exacted by said corporation for the transportation of passengers. The city's discretion in regulating such matters is not subject to judicial control or interference, unless arbitrarily or unlawfully exercised. 40 An. 446.

The city of New Orleans, by delegated power from the Legislature, has the paramount control and regulation of the streets of the city, and can grant the use of street railways already constructed to another which she has authorized to be operated.

The City Council can not grant the exclusive use of the streets to a street railway, and deprive succeeding Councils of the power of performing the duty of regulating the use of the streets in such manner as it may deem best for the public interest.

The proprietary right which a street railway has on its tracks is subject to the right of eminent domain. 41 An. 561.

Payment of bonus does not confer immunity from payment of taxes, unless expressly stipulated in contract. 41 An. 4.

Act 133 of 1888, which authorized mandamus proceedings to coerce specific performance of contractual obligations in certain cases, is not unconstitutional.

Under a contract by a city with a railroad company, giving right of way, that the latter shall keep in good order and condition, from curb to curb, the streets, intersections, bridges, etc., *through* which its tracks *pass*, it can not be claimed that the company is under the obligation of keeping in such condition streets *on* which its tracks do not pass and which extend alongside of and border on middle or neutral grounds, dividing them, comprised between curbs or external lines, and which do not form part of thoroughfares on which vehicles usually circulate.

The obligation exists only as to such streets and spots *on* which the tracks actually *pass*. 42 An. 550.

Under the power expressly granted to the city of New Orleans to *regulate* the use of its streets by railways, a discretion is vested as to method and means of regulation, which will not be judicially interfered with, unless manifestly unreasonable and oppressive. 42 An. 1069.

The city government of New Orleans has the right to grant the privilege of the use of a part of the tracks of street railway to another company. It can continue the use of a different car propelled by a different motor than the one in use on the track.

The permission to use the electric motor is one of the means of using the public streets, and is granted for the public convenience, and is the exercise of the police power of the city over public places. 44 An. 485.

The power of regulating the streets delegated to the city of New Orleans by the Legislature of the State embraces authority to establish street railways on its streets, but it does not include authority to grant to any person or corporation an exclusive privilege to operate a railway on any street.

The power to regulate the use of streets for railway purposes is a persisting power inhering continuously in the city government, and one Council can not, by one exercise of the power, deprive succeeding Councils of the power to exercise it again when found necessary for the public interest.

Whether or not the Legislature itself possessed, under prior Constitutions, the power to grant such exclusive privileges, we hold that under the general and cautious terms of the legislative charter of the city, no such power was delegated to the latter.

Whilst valid contract rights must be respected, or only interfered with in the constitutional exercise of the power of eminent domain, claims to exclusive privileges under grants which are *ultra vires* can not be permitted to thwart or obstruct the municipal discretion in the exercise of the power to regulate the streets

confided to the city to be used for the benefit of the people. 44 An. 728.

When the city of New Orleans grants a privilege to a corporation to construct a street railway through a street, the neglect of the corporation to comply with its obligation can be taken advantage of only by the city.

If the city does not declare the grant forfeited, and the corporation, without interference on the part of the city, constructs its road, the city is estopped from forfeiting the grant.

The streets are the common property of all the inhabitants of the city, and the corporation holds them in trust for their use and benefit.

The City Council is without power to sell, for even a limited time, the exclusive privilege to use a street for any particular purpose.

It can only regulate their use and management, which involves the exercise of the use of the police power of the city, which is inalienable.

The charter of the city of New Orleans, Art. No. 7 of 1870, did not confer power upon the corporation to grant the exclusive privilege of the use of a street. The power conferred was restricted to the regulation and management of the streets. 44 An. 748.

In proceeding under Act 133 of 1888, to enforce the performance of a contract therein named, the contract must be so fixed in terms, and the liability of the defendant so certain, and the duty to be performed so particularized, that the duty imposed upon the defendant by the court in decreeing the execution of the contract can be readily ascertained, and as readily executed.

An ordinance of the city of New Orleans, enacted before the passage of Act 133 of 1888, and which becomes a part of a contract between said city and a railroad corporation, requiring notice to be given to said corporation of certain repairs to be done on the streets, must be complied with before the city can invoke the remedy by *mandamus*, as provided in said Act 133 of 1888. 44 An. 1026.

A long line of decisions, State and Federal, maintains that statutes or regulations enforcing the separation of the white and colored races in public conveyances and in public schools, so long at least as the facilities or accommodations provided are substantially equal, do not abridge any privilege or immunity of citizens or otherwise contravene the fourteenth amendment of the U. S. Constitution. 45 An. 80.

Secs. 3 and 4 of Act 135 of 1888 applies to street railways operated within the corporate limits of the city of New Orleans.

The city of New Orleans has the power to refuse the grant of a

right of way through the streets of the city to a railroad operated beyond the city limits. It can also demand a price for the privilege, and it can also, if it deems the exercise of the power reasonable and proper, grant the right of way to a railroad operating their lines beyond the city into other territory, without compensation in money, but for other compensations.

In such a case, if the grant is accepted, it is irrevocable, except for a violation of their terms. 45 An. 526.

TRACK PRIVILEGES.

- Ord. 3259. American Cotton Oil Company, from 205 and 207 N. Peters street to main line Southern Pacific Railroad Company across N. Peters street, October 15, 1888.
- Ord. 6062. American Sugar Refining Company, from present terminus on Wells street, to extend tracks to within fifty feet of Canal street, February 17, 1892.
- Ord. 6673. Athens, W. T. & Co., to use track of McArdle & Sinclair under Ordinance 6073, C. S., September 9, 1892.
- Ord. 7293. Anchor Warehouse Company, from its warehouse in square bounded by Tchoupitoulas, Nun and Water streets to a connection on Water street, March 9, 1893.
- Ord. 7588. Anheuser-Busch Brewing Association on Delta street about sixty-seven feet from upper curb line of Gravier street, extending to within five feet of the lower property line of the Anheuser-Busch Brewing Association, located in square bounded by Front, Delta, Gravier and Common streets, to be a continuation of T. D. Edward's switch, located on Delta street, May 19, 1893.
- Ord. 250. Burber, A. L., to connect his works with Belt railroad track on Louisiana avenue, commencing at or near intersection of Dryades street and Louisiana avenue, April 10, 1883.
- Ord. 4932. Barkley, John & Co., from their premises on St. Joseph street, between Commerce and S. Peters, to track of Illinois Central Railroad on St. Joseph street, December 16, 1890.
- Ord. 5259. Brown, L. W., on Pine street from Mississippi river and such other streets in the rear as is necessary to connect with Louisville, New Orleans & Texas Railroad and the Illinois Central Railroad from machine shops and foundry, April 28, 1891.
- Ord. 7316. Blaffer, J. A. & Son, from their brickworks in square bounded by Austerlitz, Water, Constantinople streets and the Mississippi river to a connection on Water street, fronting said property, March 20, 1893.
- Ord. 10,222. Brooks, W. H., switch track to connect his factory, corner Celeste and S. Peters streets, with Belt Railroad on river front, January 24, 1895.

- Ord. 5062. Calonge, S. A., from track of Illinois Central Railroad' on Louisiana avenue, to his property, corner St. Charles and Louisiana avenues, January 30, 1891.
- Ord. 862. Chalmette Mills, from their mills and wharf corner North Peters and Adams streets through Adams street to intersection of Adams and St. Claude or Goodchildren streets, connecting with tracks of Mississippi, Terre-aux-Bœuf & N. O. & N. E. R. R. Co., August 19, 1884.
- Ord. 5702. Commercial Soap, Candle and Starch Manufacturing Company, from track of New Orleans & S. Gulf Road, on St. Claude street, through Forstall street, to property of the company, corner North Peters and Forstall streets, October 15, 1891.
- Ord. 6196. Cooke, W. E., from line of the Illinois Central Railroad, on Louisiana avenue, to his property, corner Louisiana avenue and Dryades street, March 21, 1892.
- Ord. 7465. Commercial Cooperage Company, portable track across Carondelet walk at intersection of Miro street, May 1, 1893.
- Ord. 8603. Carre, W. W., from their property in square, New Basin, Shellroad, Clark, Aglae and Hagan avenue to Clark street, to connect with Illinois Central Railroad on Calliope street, January 18, 1894.
- Ord. 11,045. Crescent City Railroad Company, on Constance street, to connect tracks on Peters avenue with car barn on Constance, between Joseph and Arabella streets, July 30, 1895.
- Ord. 11,309. Creosoting Works, T. H. Sampson, agent, to connect their property in square bounded by Front, Lyon and Bordeaux streets and the Mississippi river with tracks of the Texas & Pacific Railroad, now on Water street, according to lines of the City Engineer; said privilege does not recognize the right of the Texas & Pacific Railroad Company to operate said tracks; September 10, 1895.
- Ord. 11,310. Corona Coal Company, to construct and use a spur track of the Illinois Central Railroad on Water street, between Delachaise and Aline streets, to the tracks of the Texas & Pacific Railroad. Said privilege does in no way recognize the right of the Texas & Pacific Railroad Company to operate said tracks, the question of right now being in litigation; September 17, 1895.
- Ord. 5965. Durieu, Chas., from works, corner Gentilly Road and People's Canal, to the N. O. & N. E. R. R. and the L. & N. R. R., January 21, 1892.
- Ord. 7317. Dupuis Refining Company, Limited, from its premises fronting the river, bounded by Water, Upperline and Robert streets, to a connection on Water street. March 20, 1893.

- Ord. 278. Edwards, Jas. D., on Delta street between Poydras and Gravier streets, connecting with tracks of Morgan's Louisiana & Texas Railroad, May 3, 1883.
- Ord. 3961. Electric Traction and Manufacturing Company, from Belt R. R. to their premises on Tchoupitoulas, Water and Religious streets, also from tracks of C. C. R. R. Co., on Tchoupitoulas street, to and from property of company on Tchoupitoulas, Market and Religious streets, September 6, 1889.
- Ord. 4711. Electric Traction and Manufacturing Company, from the turntable of C. C. R. R. on Wells street, between Canal and Customhouse, with building at the southwest corner of Wells and Customhouse streets, September 5, 1890.
Amended by Ordinance 4918, C. S.
- Ord. 522. Fagan, Wm., General Agent Texas Continental Meat Company, to connect said works with the tracks of the Chicago, St. Louis & N. O. R. R., the L. & N. R. R. and the Morgan's Louisiana & Texas Railroad, December 7, 1883.
- Ord. 3623. Gloster Concrete Gravel Company, from I. C. R. R. track on Louisiana avenue, to their yard on Delachaise, between Denis and Dryades streets, March 21, 1889.
- Ord. 5641. Glynn & Larrinaga Steamship Lines, from tracks of Belt R. R. on Water street, from Richard to lower terminus of wharf of said lines on Race street, October 2, 1891.
- Ord. 6246. Gulf Ports, Allen and Anchor Line of Steamers, on Front street, from tracks of Belt R. R., from Washington street to terminus of wharf of said lines, April 19, 1892.
- Ord. 5640. Hamburg-American Packet and Serra Line of Steamships, from tracks of S. P. R. R. head of Marigny street to lower terminus of wharves of said company near Port street, October 3, 1891.
- Ord. 3941. Independent Cotton Oil Company, on Water street, from Louisiana avenue to — street, to connect with Belt Railroad at or near Louisiana avenue, September 3, 1889.
- Ord. 4048. Independent Cotton Oil Company, to connect its works with Belt Railroad on Louisiana avenue by way of General Taylor and Jersey streets, October 31, 1889.
- Ord. 5177. Illinois Central Railroad, from south side of Thalia street, extending to the Mississippi river down to the lower or northern line of Calliope street, March 12, 1891.
- Ord. 4110. A. S. Jackson, James, front of Fisk Salt Warehouse, bounded by First, Second, Tchoupitoulas street and the river, September, 1877.
- Ord. 4111. A. S. Jackson & Manson, front of Transit Warehouse, bounded by Fourth, Fifth and Tchoupitoulas streets and the river, September, 1877.
- Ord. 5519. Jackson Brewing Company, from track of Morgan's Louisiana & Texas Railroad to entrance of brewery on Clay street, August 20, 1889.

- Ord. 11,459. Jamison, Mrs. A. E., to construct switch track to her property in square bounded by Front, Henderson, Terpsichore and N. Levee, lines to be furnished by the City Engineer, October 15, 1895.
- Ord. 6837. Keller, J. H., to build an overhead railroad across St. Andrew street, between Freret and Howard, to connect two buildings, October 20, 1892.
- Ord. 211. Louisiana Sugar Refining Company, to connect with that in front of bonded warehouse, on Clay street near Conti, extending through and along Clay street to Customhouse street, and two parallel sidings to be located on sidewalks bordering their properties on east side and Chas. Smith's on west side of Clay street between Bienville and Customhouse streets, March 20, 1883.
- Ord. 3117. Louisiana Sugar Refining Company, Clay street, from present terminus on north side of Customhouse, into property lately occupied by A. W. Moffett, August 6, 1888.
- Ord. 3176. Lambou & Noel, from Northeastern Railroad to their mill in square bounded by Urquhart, Montegut, Villere and Press streets, September 11, 1888.
- Ord. 3411. Leonard, W. B., from premises northwest corner Euphrosine and Rampart to tracks of Illinois Central Railroad, December 13, 1888.
- Ord. 3431. Louisiana Sugar Refining Company, on Wells street, connecting with Southern Pacific Railroad, extending along Wells to Crossman. To pave Wells street, from Canal to Crossman, with Belgian block, December 21, 1888.
- Ord. 3538. Louisiana Electric Light and Power Company, from coal yard to their boiler-room on Richard street, February 16, 1889.
- Ord. 3725. Louisiana, New Orleans & Texas Railroad Company, from Poydras along S. Johnson, to works of Pinewood Distillation Company, May 9, 1889.
- Ord. 4030. Louisiana, New Orleans & Texas Railroad Company, from tracks on Poydras street into depot grounds in two squares bounded by Claiborne, Clara, Poydras and Lafayette streets, October 8, 1889.
- Ord. 4342. Leeds & Co., connecting their yard on St. Joseph street, between Constance and Tchoupitoulas, with tracks of Illinois Central Railroad on St. Joseph street, March 6, 1890.
- Ord. 11,505. Lambou & Noel Lumber Manufacturing Company, to connect their wharf, between Kentucky and Manuel streets, with their switch track on Kentucky street, or with a spur from said switch track running through their property, October 29, 1895.
- Ord. 5642. Lampert & Holt Steamship Line, from tracks of the Texas & Pacific Railroad Company on Levee, from Tchoupitoulas street to terminus of wharf of said line, between Henderson and Robin streets. Amended by Ordinance 5769, C. S., October 2, 1891.

- Ord. 8330. Louisiana Electric Light and Power Company, from New Orleans Belt Railroad, at its intersection with Market street, thence across Market street into the yard of the said company, November 24, 1893.
- Ord. 9331. Louisville & Nashville Railway Company, to arrange existing tracks and to construct a track on the Levee, between Lafayette and Calliope streets, as approved by the City Engineer, January 28, 1894.
- Ord. 10,684. Lambou & Noel, switch track on Kentucky street, from St. Claude to N. Peters street, to connect with tracks of New Orleans & Southern Railroad Company on St. Claude street, or the tracks of any other railroad that may hereafter be laid on said street; also all necessary side-tracks or turnouts to connect said switch with their property, May 9, 1895.
- Ord. 11,445. Lawler & Chaery, switch track from upper side of Erato street, across Hagan avenue to their works in square bounded by Hagan avenue, Erato, Thalia and Clarke streets, October 8, 1895.
- Ord. 4556. A. S. Mississippi Warehouse, from their doors on Front street, along said street about 200 feet to St. Joseph street, June, 1878.
- Ord. 3362. Morgan's Louisiana & Texas Railroad & Steamship Line, branch track on Clay street, May 30, 1888.
- Ord. 3927. Morgan's Louisiana & Texas Railroad Company, additional track on Delta street, August 20, 1889.
- Ord. 5221. Municipal Ice Company, from Belt Railroad to company's property on Market street, fronting the river, April 17, 1891.
- Ord. 5520. Morgan's Louisiana & Texas Railroad Company, to alter location of certain switches, August 18, 1891.
- Ord. 6985. Morgan's Louisiana & Texas Railroad Company, opposite Bazaar Market, extending up and past the meat market, connecting with track on lower side of St. Ann street, a distance of 368 feet, December 7, 1892.
- Ord. 7536. Morgan's Louisiana & Texas Railroad & Steamship Company, from their station on St. Ann street to extend across St. Peter street to lower property line of Jefferson street, a distance of about 270 feet, as per Ordinance 5579, to the Jackson Brewing Company, May 6, 1893.
- Ord. 7890. Morgan's Louisiana & Texas Railroad & Steamship Company, on Delta street, in front of property of Myler & Co., corner Poydras and Delta streets, branching out from the main track, commencing at a point about 125 feet above the upper line of Poydras street, crossing Poydras street, thence in a straight line parallel to the main track to a connection with the switch of J. D. Edwards at the point of departure of the latter from a straight line, August 3, 1893.

- Ord. 9246. Morero, F. & Bro., from their property in square bounded by Calapissa, Short, Thirteenth streets and Carrollton avenue, to a connection with Yazoo & Mississippi Valley Railroad Company's main track on Short street, between Calapissa and Fourteenth streets, May 29, 1894.
- Ord. 10,937. Morgan's Louisiana & Texas Railroad & Steamship Company, special track in Wells street, and the right to make changes in existing tracks on Delta and Clay streets, July 2, 1895.
- Ord. 6442. McEwen & Murray, to construct and maintain two switch tracks over certain streets in Seventh District, June 16, 1892.
- Ord. 6510. McEwen & Murray, two small switch tracks from their saw-mill, on Canal and Dublin streets, to connect with main line of the I. C. R. R. near the intersection of Cambronne street, July 18, 1892.
- Ord. 6673. McArdle & Sinclair, from their property, Green, Delachaise, St. George and Louisiana avenue, to connect with Belt R. R. on Louisiana avenue, at or near St. George street, February 9, 1892.
- Ord. 271. N. O. Refrigeration and Manufacturing Company, to connect their works with tracks of Chicago, St. Louis & N. O. R. R., and also with tracks of L. & N. R. R. and Morgan's Louisiana & Texas Railroad, April 24, 1883.
- Ord. 3683. New Orleans Swamp Land and Reclamation Company, single or double track on Hagan avenue, from Old Basin to New Orleans, April 22, 1889.
- Ord. 4240. N. O., Ft. Jackson & Grand Isle R. R. Co., right of way on certain streets, February 4, 1890.
- Ord. 4658. National Acid Co., from their property on Elysian Fields to track of Pontchartrain R. R. on same street, August 7, 1890.
- Ord. 5834. N. O. & N. E. R. R. Co., from wharf above Clouet street, along wharf or structure to be constructed, December 9, 1891.
- Ord. 6246. North American Transport France and Melbourne Lines, from tracks of Belt R. R. on Front street, from Fourth to terminus of wharves of said lines, April 14, 1892.
- Ord. 6755. N. O. & Carrollton R. R. to extend tracks on Napoleon avenue to reach car house and car sheds, September 30, 1892.
- Ord. 6759. N. O. Waterworks Co., from tracks of Belt R. R. on Front street, commencing at a point 50 feet below Orange street to within 50 feet of lower side of Richard street, wood side of said Belt R. R. Co., September 30, 1892.
- Ord. 9638. N. O. Brewing Association, on Philip street, extending from the Belt R. R. on Water street, down said Philip street and into the property of the said New Orleans Brewing Association, in the square comprised with Philip, Tchoupitoulas, Rousseau and Jackson avenue. Amended by Ordinance 10,305. Brewing Association to keep that portion of Philip street through which it passes in good order and condition, September 7, 1894.

- Ord. 9639. New Orleans Brewing Association, from their property in square bounded by Brooklyn avenue, from Madison street, Diana (formerly Decatur), river front (formerly Jefferson) and D'Armas, to connect with the New Orleans, Fort Jackson & Grand Isle Railroad, September 7, 1894.
- Ord. 9892. New Orleans & Carrollton Railroad Company, to construct necessary curves and switches at Delta and Canal streets and around Liberty Place, November 2, 1894.
- Ord. 9994. New Orleans & Southern Railroad Company, two side tracks from its main line on St. Claude street, into its property bounded by St. Claude, Hancock, Marais and Tricou streets; also, track from above property across Marais street into its property bounded by Marais, Hancock, Urquhart and Tricou street, November 24, 1894.
- Ord. 10,659. New Orleans Swamp Land Reclamation Company, on Hagan avenue, from Dumaine to New Basin, with right to connect with workshops and existing tracks, May 7, 1895.
- Ord. 4407. Orleans Manufacturing Company, from tracks of the Illinois Central Railroad on Euphrosine street to their property in square bounded by Euphrosine, Clara, Willow and New Basin; also to connect their property in square bounded by Claiborne Canal, New Basin, Euphrosine and Willow, with track crossing Claiborne Canal with property in square bounded by Euphrosine, Clara, Willow and New Basin, by crossing Willow street, April 7, 1890.
- Ord. 7032. Otis Manufacturing Company, from its premises in square bounded by Marengo, Milan, Water streets and the Mississippi river, to connect with Water street, December 21, 1892.
- Ord. 6246. Prince and Melbourne Lines North American Transportation, from tracks of Belt Railroad on Front street, from Fourth street to terminus of wharves of said lines, April 14, 1882.
- Ord. 11,446. Pohlman, Henry, switch track on Calapissa street, from Dante street to Carrollton avenue, October 14, 1895.
- Amended by Ordinance 11,581; on Fourteenth street and across said street between Dublin street and Carrollton avenue, November 12, 1895.
- Ord. 3537. Rosetta Gravel Pavement and Improvement Company, from main line Mississippi Valley Railroad at Second, now Rendon, and Melpomene, down Melpomene to Broad or its vicinity, thence to Washington street and down south side Washington 1000 feet, more or less, February 16, 1889.
- Ord. 3640. Rosetta Gravel Pavement and Improvement Company, portable track on streets agreed upon by the Commissioner of Public Works, City Engineer and Council committee on streets and landings, March 28, 1889.

- Ord. 4884. Rosetta Gravel Pavement and Improvement Company, from tracks of Illinois Central Railroad on Louisiana avenue, across Louisiana avenue and St. Patrick street to property of company in square bounded by St. Patrick, St. Denis streets, Louisiana avenue and Delachaise street, November 28, 1890.
- Ord. 4108. A. S. Silas Weeks & Co., front of Mississippi and Dominion Warehouse, foot of Jackson street, September, 1877.
- Ord. 4712. Standard Oil Company, to connect property on Claiborne street, between Josephine and Jackson streets, with tracks of New Orleans Belt R. R. on Claiborne street, September 5, 1890.
- Ord. 5640. Serra Line and Hamburg-American Packet Lines of Steamships, from Southern Pacific R. R. tracks, from Marigny street to lower terminus of wharves of said company near Port street, October 3, 1891.
- Ord. 8719. Southern Chemical and Fertilizing Company, Limited, from the Yazoo & Miss. Valley R. R. at or near Broad street, thence along Poydras Canal to their works located in square bounded by Clark, Perdido, Gravier and Hagan avenue, February 16, 1894.
- Ord. 9839. Security Brewing Company, from their property fronting on St. Joseph street, in square bounded by South Peters, North Market and Tchoupitoulas streets, to connect with the I. C. R. R. track on St. Joseph street, October 18, 1894.
- Ord. 10,936. St. Charles Street R. R. to switch from its property on North Peters between Marigny and Mandeville street to tracks of the S. P. R. R. Co., July 2, 1895.
- Ord. 4087. Texas Pacific R. R., to connect its tracks on Water street with the adjacent yards in square bounded by Robin, Water, Front and Henderson streets, November 8, 1889.
- Ord. 4943. Taylor Bros., from tracks of I. C. R. R. to their property on St. Joseph street, between Constance and Magazine streets, December 22, 1890.
- Ord. 6631. Virgin, Wm. & Son, from their premises to connect with I. C. R. R. (belt track) on Euphrosine street, between Clara and Willow streets, September 1, 1892.
- Ord. 4108. A. S. Weeks, Silas & Co., in front of Mississippi and Dominion Warehouse, foot of Jackson street, September, 1877.
- Ord. 3118. Whitney Iron Works, from Belt Railroad on St. Joseph street, across St. Joseph and Tchoupitoulas streets, to their works corner St. Joseph and Tchoupitoulas streets, August 6, 1888.
- Ord. 5220. West India & Pacific Steamship Company, from New Orleans Belt Railroad on Tchoupitoulas street, commencing at point between Market and St. James streets, thence along the Levee to the upper terminus of the wharf of said company, at or near Nun street, April 17, 1891.

- Ord. 9165. Wogan Bros., two switch or sidetracks from their property in square bounded by N. Peters, Decatur, Lafayette avenue and Port streets, and connect same with Morgan's Louisiana & Texas Railroad and the New Orleans & North-eastern Railroad, May 16, 1894.
- Ord. 10,392. Watkins, W. H. and associates, a single or double track railroad upon routes and lines described, to use steam locomotive or other appropriate motive power, March 7, 1895.
- Ord. 11,195. Wood & Co., from track of Illinois Central Railroad on Louisiana avenue into their property, Louisiana avenue and Rampart street, August 27, 1895.
- Ord. 7963. Yazoo & Mississippi Valley Railroad Company, from present track on Poydras street into the square bounded by Howard, Freret, Perdido and N. Poydras streets; also, to extend an additional track from said square across Perdido street into and upon the property owned by said company, August 24, 1893.
- Ord. 7872. Zeigler, Chas. W., on Front street, connecting with curve of the Illinois Central Railroad from St. Joseph street and by suitable reverse curve at Calliope street, and to be located on Front street, August 3, 1893.

RECORDERS.

ART. 2614. There shall be six Police Courts in the city of New Orleans, to be known as the First, Second, Third, Fourth, Fifth and Sixth Recorder's Courts.

Constituting six police courts in New Orleans.
Act 754 of 1894.

ART. 2615. The First Recorder's Court shall have jurisdiction in the territory known as the First and and Fourth Municipal Districts of the city. The Second Recorder's Court shall have jurisdiction in the territory known as the Second Municipal District. The Third Recorder's Court shall have jurisdiction in the territory known as the Sixth Municipal District. The Fourth Recorder's Court shall have jurisdiction in the territory known as the Fifth Municipal District. The Fifth Recorder's Court shall have jurisdiction in the territory known as the Seventh Municipal District and the Sixth Recorder's Court shall have jurisdiction in the territory known as the Third Municipal District.

Jurisdiction of same.

ART. 2616. The Recorders shall be elected by the qualified electors of the city; they shall be at least twenty-

Relative to five years of age. They shall be residents of the district
 Records of over which they have jurisdiction, and must have re-
 the City Courts sided therein for at least one year previous to their elec-
 and their clerks tion.
 Act 154 of The Recorders of the First and Second and Sixth
 1894. Recorders' Courts shall each receive a salary of two thou-
 sand five hundred dollars a year, and shall be allowed

Clerks.

each one clerk, at a salary of fifteen hundred dollars a year, and two assistant clerks at a salary of one thousand dollars a year, and a competent clerk, to be called a testimony clerk, at a salary of twelve hundred dollars a year.

Duty of the testimony clerk
 Ib.

It shall be the duty of the testimony clerk to take down verbatim reports of all testimony and examinations in all cases when the offence charged is cognizable in the Criminal District Court of New Orleans or appealable to the Supreme Court, which testimony shall be signed by the witness or witnesses, and certified to by the Recorder, who shall forward the same to the Criminal Court.

Clerk.

Salary.

The Recorders of the Third and Fourth Recorders' Courts shall have each a salary of two thousand dollars a year and shall each be allowed a clerk at a salary of twelve hundred dollars a year, and an assistant clerk at a salary of one thousand dollars a year.

The Recorder of the Fifth Recorder's Court shall have a salary of fifteen hundred dollars a year and shall be allowed a clerk at a salary of one thousand dollars a year.

The said clerks shall be appointed by the Recorders and removed by them.

Council to provide station-
 ery, etc.
 Ib.

The Council shall provide suitable rooms and stationery for said Recorders' Courts, and the Mayor, upon the recommendation of said Recorders, respectively, shall detail four policemen for each of the First and Second Recorders' Courts, and two policemen for the Third, Fourth and Sixth Recorders' Court; to keep order and execute the orders and decrees of the Recorders.

Police.

How removed,
 City Charter.

ART. 2617. The Recorders shall be removed for any of the causes enumerated in Article 196 of the Consti-

tution, and in the manner provided in Article 206 of the Constitution.

ART. 2618. The said Recorders shall each have the jurisdiction of committing magistrates and to enforce all city ordinances and to try, sentence and punish all persons who violate any legal and valid city ordinance. They and their clerks shall have power to administer oaths, and the Recorders shall have power to punish as other courts for contempt, to compel witnesses to appear and testify.

Jurisdiction.
Ib.

See Act 174 of 1894, providing for Testimony Clerk.

ART. 2619. All fines, penalties or forfeitures imposed by said Recorders shall be collected by them and paid by them, daily, to the City Treasurer, and the non-payment of said fines shall be (as any other neglect of duty) a cause for removal. The Treasurer shall furnish to each of the Recorders a printed receipt book with marginal stubs, and the Recorders shall give a receipt from said book for every fine or penalty collected, and shall state on the marginal stubs the amount of the fine or penalty, when and from whom collected, and for what offence, and said receipt book and marginal stubs shall always be kept open for public inspection.

Fines, penalties, etc.
City Charter.

RECORDERS PRO TEM.

ART. 2620. The Council shall, within one week after its organization, elect "*viva voce*" four persons, who alone shall act as Recorders *pro tem.* in case of sickness or absence or suspension of any one or more of the Recorders, and they shall receive while so acting the salary payable to the said Recorders, to be deducted from the salary payable to the same.

Salaries.
City Charter.

ART. 2621. The First Recorder's Court shall have jurisdiction in the territory known as the First and Fourth Municipal Districts of the city. The Second Recorder's Court shall have jurisdiction in the territory known as the Second and Third Municipal Districts. The Third Recorder's Court shall have jurisdiction in the territory known as the Sixth and Seventh Municipal

Jurisdiction
of Recorders' Courts.
Ib.

Districts; and the Fourth Recorder's Court shall have jurisdiction in the territory known as the Fifth Municipal District.

Remission of fines.
 Ord. No. 6598, C. S.
 Aug. 2, 1892.

ART. 2622. That the City Council desires, hereafter, no petition for a remission of a reduction of fines imposed by the Recorders to be granted, unless said petition bears written approval of the Recorder who imposed the fine or fines.

DECISIONS.

Penalties prescribed by city ordinances may be enforced and offences for their violation prosecuted, when so provided by such ordinances or the law, before the Recorders who, under the Constitution and laws, are vested with certain judicial powers (12 An. 432).

The Legislature has the right, under the Constitution, to confer upon the Recorders' courts in New Orleans, such criminal jurisdiction as may be necessary for the punishment of minor crimes and offences, and as the police and good order of the city may require (15 An. 190).

If, in a prosecution, under a city ordinance, in a Recorder's court in the city of New Orleans, there is a *bona fide* and timely contestation in regard to its legality and constitutionality, antecedent to trial had, or judgment being pronounced thereon, the condemned defendant is entitled to an appeal, and, upon his distinct and emphatic refusal thereof, mandamus will be against him to compel its allowance.

A Recorder's court in the city of New Orleans is not a court of record, and there is no legal prohibition against a defendant, in a cause therein depending, from urging pleas or defences orally (41 An. 526).

The Recorders in the city of New Orleans are fully authorized, as committing magistrates, to take and acknowledge bonds where the punishment is hard labor (42 An. 416).

The Council may, under the law, lengthen the term of imprisonment, but is not an authority to the recorder to make the commitment for a longer time than provided in the ordinance (42 An. 1095).

Recorders in New Orleans are vested with power and jurisdiction to try and sentence violators of legal and valid city ordinances.

The defence that a city ordinance is illegal and unconstitutional does not impugn the power and jurisdiction of the Recorder to hear and determine that and all other issues involved in the case. Article 81 of the Constitution clearly recognizes the authority of the proper inferior tribunal to hear and determine

cases in which "the constitutionality or legality of any fine, forfeiture or penalty by a municipal corporation shall be in contestation," and to decide all questions of "the law and the fact" arising therein, and provides an appropriate and sufficient remedy for errors in such decisions by an appeal to this court (44 An. 1100).

RECORDER OF MORTGAGES.

DUTIES, BOND, OFFICE HOURS, EMPLOYEES, See Act 66 of 1880, p. 62.

DEPUTIES, SALARIES, Act 24 of 1880, p. 26; Act 74 of 1888, p. 81.

ADDITIONAL CLERKS, Act 80 of 1884, p. 102.

CITY TO FURNISH OFFICE, FUEL, ETC., Act 111 of 1880, p. 139.

STATIONERY, HOW FURNISHED, Act 132 of 1880, p. 179.

REGISTER OF BIRTHS, MARRIAGES AND DEATHS

—SEE HEALTH.

REGISTER OF CONVEYANCE.

See CONSTITUTION, Arts. 144-6.

PAYMENT OF SALARIES, Act 24 of 1880, p. 26.

EMPLOYEES, THEIR NUMBER AND SALARY, Act 94 of 1880, p. 121.

EMPLOYEES, THEIR NUMBER AND SALARY INCREASED, Act 57 of 1882, p. 65.

EMPLOYEES, THEIR NUMBER AND SALARY INCREASED, Act. 105 of 1884, p. 134.

EMPLOYEES, THEIR NUMBER AND SALARY INCREASED, Act 80 of 1886, p. 120.

EMPLOYEES, THEIR NUMBER AND SALARY INCREASED, Act 74 of 1888, p. 81.

ON DUTIES AND FEES, see State ex rel. Boch vs. Recorder, 33 An. 224, and Act 30 of 1890, p. 24; Act 36 of 1890, p. 35.

CITY TO FURNISH OFFICE, FUEL, ETC., Act 111 of 1880, p. 139.

STATIONERY, HOW FURNISHED, Act 132 of 1880, p. 179.

REGISTRATION.

ACT NO. 123 OF 1880.

To provide for the appointment of a Supervisor of Registration for the parish of Orleans and the Clerks of Registration throughout the State, and to fix their compensation, define their duties and powers; provide for a new registration for the parish of Orleans; to provide for the keeping of a registry of legal voters; to define the duties of certain officers; to provide penalties for violations of this act, and to regulate the manner of registering voters throughout the State, and to provide for the appointment of special canvassers.

Supervisor of Registration to be appointed; his term of office; his salary, how and when paid; authorization to appoint a clerk; his salary, how and when paid; duties of said clerk; qualifications of the Supervisor and clerks to be by him appointed; not to be eligible to any office during and for three months after his term of office.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana.* That immediately after the promulgation of this act the Governor, by and with the advice and consent of the Senate, shall appoint a Supervisor of Registration for the parish of Orleans for the term of four years, who shall hold his office until the month of May, 1884, and every four years thereafter, who shall receive a salary of thirty-six hundred (\$3600) dollars per annum, payable monthly on his own warrant, out of any funds of the State Treasury not otherwise appropriated; and said Supervisor of Registration for the parish of Orleans shall be empowered to appoint a clerk, at a salary not to exceed fifteen hundred dollars per annum, payable monthly on his own warrant, approved by the Supervisor of Registration, out of any money in the State Treasury not otherwise appropriated, and said clerk shall discharge such duties as may be assigned him by the Supervisor of Registration and in the absence, sickness and disability of the Supervisor he shall act for him. The Supervisor of Registration and his clerks, appointed under the provisions of this act, shall be *bona fide* voters of the parish of which he or they are appointed, and shall not be eligible to any elective office, Federal, State, parochial or municipal, during his term of office and for three months after the expiration thereof, or after his resignation, if he should resign.

Duties and powers of the Supervisor of Registration.

SEC. 2. *Be it further enacted, etc.,* That the Supervisor of Registration of the parish of Orleans shall, as soon as he receives the registration books, as provided for by this act, proceed to make a new and complete registration of the qualified voters of said parish. He shall keep his office open all the year, from 10 o'clock in the forenoon until 3 o'clock in the afternoon, Sundays and legal holidays excepted; during the sixty days preceding a general election the Supervisor of Registration and his clerks shall keep their office open from 8 o'clock A. M. to 2 o'clock P. M., and from 4 o'clock P. M. to 7 o'clock P. M. He shall be empowered to employ such number of clerks for sixty days before each general election as he may deem necessary; provided, the number shall

not exceed twenty-six; and said clerks shall be entitled to compensation of not more than three dollars per day for the time actually employed, on presenting their accounts sworn to by themselves and approved by the Supervisor of Registration to the State Auditor; and the warrants drawn by the Auditor for their compensation as aforesaid shall be paid out of any money in the State treasury not otherwise appropriated. The Supervisor of Registration of the parish of Orleans shall make a revision of the registration sixty days prior to any general election, and shall close his office ten days prior to any election, to prepare his books and make a verification of the same.

SEC. 3. *Be it further enacted, etc.,* That immediately after the passage of this act the City Council of the city of New Orleans shall, by ordinance, divide each ward of the city of New Orleans into election precincts, each of said precincts to be composed of contiguous squares, and each precinct to be so arranged as to contain as nearly as possible an equal number of voters, and no precinct to contain more than five hundred registered voters, as shown by the next preceding registration; no ward to have less, under any circumstances, than two precincts; and said City Council shall cause the same division to be made, if necessary, or required by the Supervisor of Registration, six months prior to any general election thereafter, so as to conform with the provisions of this section.

Duty of the City Council in relation to the subdivision of the city of New Orleans into election precincts. How said election precincts shall be formed and made and for what time previous to a general election.

SEC. 4. *Be it further enacted, etc.,* That the books of registration in the parish of Orleans shall consist of and be known by the following names: One precinct register for each precinct, one certificate stub book for each precinct, one index or poll book for each precinct, one duplicate certificate stub book for each ward, one general index for each ward.

In what form the books of registration shall be kept.

SEC. 5. *Be it further enacted, etc.,* That the precinct register shall show and contain the date of registration, number of certificate of registration, name of voter, residence, age, color, occupation, where born, name of householder, time of residence in the State, parish and ward, oath of registration, remarks. The applicant for registration shall sign the oath of registration, and in case the applicant can not write he shall make his mark.

What the precinct register must show, and how the registration shall be made.

SEC. 6. *Be it further enacted, etc.,* That applicants for registration shall be required to subscribe to the following oath of registration: "I do solemnly swear, or affirm, that by the time of holding the next election in this parish I will be at least twenty-one years of age; I was born, naturalized or declared my intentions to become a citizen of the United States (as the case may be), and am subject to the jurisdiction thereof, and, by the time for holding of the election, I will have been a resident of this State for at least one year, and of this parish for at least six months, and of the ward which I now claim to be registered for at least thirty days, and I am not disfranchised for any causes mentioned in Article 187 of the Constitution of this State."

Oath to be taken by any person applying to be registered.

What the stub books of the precinct registration shall contain.

SEC. 7. *Be it further enacted, etc.,* That the precinct certificate stub books shall contain certificates of registration, which shall be numbered, the name of the applicant for registration shall be written on the stub thereof by the clerk or supervisor of registration; the certificate of registration shall have printed thereon the number of certificate to correspond with the stub; the number of the ward and precinct shall also be printed on the certificate of registration, which the applicant shall sign, and if unable to sign shall affix his mark, and the clerk or supervisor of registration issuing said certificate shall affix his signature to the same.

How, when and in what case duplicate registration certificates shall issue.

SEC. 8. *Be it further enacted, etc.,* That duplicate certificates of registration shall be issued to persons whose original certificates have been lost or destroyed, after subscribing to the following oath: "I do solemnly swear, or affirm, that I have been duly registered, and my original certificate of registration has been lost or destroyed. So help me God." Said oath shall be printed on the back of said duplicate certificate of registration; the duplicate shall bear the same number as the original, and in other respects shall be the same, except that they shall be printed on paper of different color, and the word "duplicate" shall be printed thereon; the clerk or supervisor of registration issuing the same shall mark the letter D in red ink to the left of the original number on the precinct register. He shall also mark the letter D in red ink on the original stub; also the letter D shall be marked in its proper place in the precinct index or poll book, and also on general index book.

What the precinct poll or index book of registration must contain.

SEC. 9. *Be it further enacted, etc.,* That the precinct poll or index book shall contain the name of every voter who has registered for the precinct it represents, and who has been duly registered and qualified as an elector of the precinct in which he resides; said precinct index shall be arranged in columns so as to contain the number of certificate, name of voter, name of householder, residence, age, color, where born and remarks.

Supervisor of registration to procure one poll list book for each precinct of the parish of Orleans. What the said book must contain.

SEC. 10. *Be it further enacted, etc.,* That the supervisor of registration of the parish of Orleans shall procure one poll list book for each precinct in the city of New Orleans, which shall be numbered from one to the number of registered voters, and shall have printed on the first page the following oath, which shall be taken and subscribed to by the commissioners and clerks of election, to-wit: "I, ———, do solemnly swear that I will perform the duties of commissioner or clerk of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the same. So help me God."

Oath of the commissioner and clerk of election.

What the general index must contain.

SEC. 11. *Be it further enacted, etc.,* That the general index shall contain the number of registration certificates, name and residence of the voter, and page of precinct registration; also the names of all persons registered in the ward it designates.

SEC. 12. *Be it further enacted, etc..* That it shall be the duty of the Criminal Sheriff of the parish of Orleans to furnish the supervisor of registration on or before the fifth day of each month a list, under oath, of the name, age and residence of all male persons who have been committed to prison as convicts during the preceding month. It shall be the duty of the sexton of each cemetery of the parish of Orleans to deliver on or before the fifth day of each month, at the office of the supervisor of registration, a list, under oath, of the names, ages and residences of all males over twenty-one years of age who have been interred in their respective cemeteries during the preceding month. It shall be the duty of the keepers of insane asylums to do the same in regard to all persons committed to said asylums, and it shall be the duty of the Board of Health, the chief of police of the city of New Orleans, clerk of the Charity Hospital, keeper of the insane asylum, to deliver on or before the fifth day of each month, a certified statement of facts relating to any such cases within their knowledge, whenever the supervisor shall request the same; and in the event of any such sexton, criminal sheriff, Board of Health, chief of police, clerk of the Charity Hospital, keeper of the Insane Asylum, failing or neglecting to perform the duties required under this section, he or they shall be liable to a fine of twenty-five dollars for each and every omission or failure to comply with the provisions of this section, to be recovered before any court of competent jurisdiction, and said fine shall accrue to the Charity Hospital; and it shall be the duty of the supervisor of registration to prosecute any officer so offending, and said supervisor shall also keep a book or books for reference of all the reports so made to him under the provisions of this section, and of all the erasures by him made and based on aforesaid reports.

Duty of Criminal Sheriff in furnishing a list of prisoners to the supervisor of registration.

Duty of sexton of each cemetery.

Duty of keeper of Insane Asylum.

Duty of the Board of Health, Chief of Police, clerk of the Charity Hospital, keeper of Insane Asylum.

Penalty against the foregoing parties for failing or neglecting to perform these duties.

SEC. 13. *Be it further enacted, etc..* That it shall be the duty of the supervisor of registration of the parish of Orleans, during the registration, or at any other time, upon the affidavit of any two *bona fide* citizens who have been appointed to canvass by any political party, and who have been duly sworn to perform their duty as canvassers, and who make affidavit before him (the supervisor) that certain names are fraudulently and illegally registered and should be erased, to investigate the same, and cause said names to be published for three consecutive days and erased in the same manner as designated in the preceding section; and in case of the failure of the supervisor to investigate the same, the persons making said affidavits may appeal to any court of competent jurisdiction, without cost attending such appeals, and the same shall be tried without delay, and if such names be found illegally and fraudulently registered, the court shall order their immediate cancellation. If at any time the supervisor of registration may have good reasons to believe that fraudulent registration is being

Canvassers to be appointed by the supervisor of registration, their duties.

Duties of supervisor of registration in relation to fraudulent registration.

Proviso.

Compensation of canvassers. *

How and for what reasons the supervisor of registration and his clerks are authorized to cancel and erase names from the books of registration.

Penalty for refusing to register any qualified elector.

Right of action against the supervisor or his clerks to annul any entry illegally made.

practised, or is attempted to be practised, he shall have authority to employ special canvassers, not to exceed two for each ward, whose pay shall not exceed two dollars a day each, and who shall proceed to investigate under the instruction of the supervisor such cases as may be by him to them referred, and the statement of said canvassers under oath, by him to be administered, shall be considered by the supervisor of registration *prima facie* evidence of the facts therein contained, and his decision shall be based thereon; provided, that after three days' notice to the parties interested, the contrary thereto be not made to appear to his satisfaction by the statement under oath of two competent witnesses. The supervisor of registration shall have full power to administer all oaths in the examination of witnesses in matters of registration; the special canvassers to be appointed under the provisions of this section shall be paid in the same manner as is provided for clerks of registration in section two of this act.

SEC. 14. *Be it further enacted, etc.,* That the supervisor of registration and clerks of registration throughout the State shall cancel and erase names from the books of registration in the following cases, to-wit:

First—When they know of the death or removal of a person registered.

Second—When the insanity of a person registered is legally established.

Third—Upon the production of a certified copy of a judgment of felony in full force against the person registered, or upon reliable information of such conviction.

Fourth—Upon the production of a certified copy of a judgment directing the cancellation to be made.

Fifth—Upon the certificate of canvassers appointed by law, and upon lawful grounds, but not otherwise.

SEC. 15. *Be it further enacted, etc.,* That should the supervisor or any clerk of registration refuse to register any qualified elector, such elector may proceed by action in any court of competent jurisdiction to compel such certificate to be issued, and in an action under authority of this section as many persons as there are causes of action against may be joined as plaintiffs. Said causes shall be tried without delay or costs.

SEC. 16. *Be it further enacted, etc.,* That any person may proceed by action in any court to compel the supervisor or clerks of registration to cancel any entry made illegally on any book of registration or that ought to be canceled by reason of facts that have occurred subsequent to the time of such entry, but if the party whose name is sought to be canceled be not a party to the action, the court shall order him to be made a party defendant, and the supervisor or clerk shall be notified to show cause why such erasure shall not be made; as many persons

may join as plaintiffs as are concerned; said causes to be tried without delay or cost.

SEC. 17. *Be it further enacted, etc.*, That costs may be recovered against the supervisor or clerks of registration when it is established on trial that the supervisor or clerks knowingly and wilfully violated a plain duty, but not otherwise.

Costs to be recovered against the supervisor or his clerks when they have wilfully violated their duty.

SEC. 18. *Be it further enacted, etc.*, That every person charged with the performance of any duties, under the law of this State, relating to registration or election, who wilfully refuses or neglects to perform his duty, or who in his official capacity knowingly and fraudulently acts in contravention or violation of any of the provisions of such laws is, unless a different punishment is prescribed in this act, punishable by fine not exceeding one thousand dollars or by imprisonment in the State Penitentiary not exceeding five years or by both.

Penalty against any person charged with the performance of any duties under the law relative to registration or election.

SEC. 19. *Be it further enacted, etc.*, That the supervisor of registration of the parish of Orleans shall, before entering upon the discharge of his duties, execute a bond with two good and solvent securities for the faithful performance of the duties required of him by law, and for the payment of such damages as may be sustained by his failure to discharge such duties, and said securities shall be examined and qualified before the judge of the Civil District Court for the parish of Orleans in the sum of five thousand dollars (\$5000), in favor of the Governor, recorded in the book of mortgages in the parish of Orleans, and it shall operate as a legal mortgage on his property. A certified copy of said bond shall be filed with the State Auditor and the Secretary of State. The supervisor and clerks of registration throughout the State shall take and subscribe the oath provided by article 149 of the Constitution of the State.

Bond of supervisor of registration.

SEC. 20. *Be it further enacted, etc.*, That the supervisor of registration of the parish of Orleans shall, as soon as practicable after his appointment, advertise in the official journal of the city of New Orleans for sealed proposals for the supplying of his office with the necessary books for his office, as required by this act, and it shall be the duty of the Secretary of State to furnish the clerks of courts in each parish (the parish of Orleans excepted), sixty days previous to an election, necessary books and blanks required by this act; and said books and blanks shall be paid for upon the warrants of the Auditor out of any funds in the State Treasury not otherwise appropriated.

Supervisor of registration to advertise for sealed proposals for supplying his office with books, etc.

SEC. 21. *Be it further enacted, etc.*, That the City Council of the city of New Orleans shall provide an office and such furniture as may be necessary to enable the supervisor of registration of the parish of Orleans to carry out the duties of his office, and the Surveyor of the city New Orleans shall cause to be made out the necessary precinct maps for the city of New Orleans.

City Council of New Orleans to provide an office and furniture for the supervisor of registration.

SEC. 22. *Be it further enacted, etc.*, That the supervisor of reg-

Instructions to be given by the supervisor of registration to the Police. istration of the parish of Orleans shall, whenever he deems it necessary, issue instructions to the police of the city of New Orleans to canvass the voters registered, or take a census of such as are entitled to registration; and any police officer, or other person designated to canvass or take a census of registration, who shall make a false return, with a view of committing fraud, shall be deemed guilty of a felony, and upon conviction shall be fined not less than one thousand dollars or imprisonment not less than one year.

Books, papers, etc., of the Supervisor of Registration to be open at all times to any one who shall call for them. SEC. 23. *Be it further enacted, etc.*, That the books, papers and records of the office of the supervisor of registration of the parish of Orleans shall at all times be open to inspection by the public, and copies of the same may be procured; provided, the same does not interfere with registration.

In what manner the registration shall be canceled. SEC. 24. *Be it further enacted, etc.*, That in all cases where, on trial of a person charged with any offence under the provisions of this act, it appears in evidence the accused is registered without being qualified, the court shall order such registration to be canceled.

How and in what manner the supervisor shall detect an illegal or fraudulent registration. SEC. 25. *Be it further enacted, etc.*, That whenever the supervisor or clerks of registration have reason to believe that any name or names upon the books of registration are illegally or fraudulently placed thereon, he shall send a written or printed notice by postal card, or otherwise, to such person, directing the same to his address, as found in the directory, or in case his name is not in the directory, then to the address of such person as registered on the books of registration, requiring such person to show cause why he (the supervisor or clerk of registration) should not cancel said name; if such person fail within five days to show cause why his name shall not be canceled, and it appears satisfactory to the supervisor or clerk of registration that said name has been illegally or fraudulently registered, the supervisor of the parish of Orleans shall publish such names in the official journal of the city for three consecutive days at the expense of the city of New Orleans, and the clerks of registration throughout the State shall cancel such names without publishing the same, and unless the parties whose names have been published prove their identity or their right to be registered, within five days after publication, the Supervisor of Registration of the parish of Orleans shall cause said names to be erased from the books of registration, noting the reason therefor in the column of remarks of the precinct register; provided, any person who has attempted to prove his identity or his right to be registered and has been erased shall have power to appeal to any court without cost, enjoining the supervisor or clerk to reinstate his name, and the decision of said court shall be final.

SEC. 26. *Be it further enacted, etc.*, That any person who takes a false oath for the purpose of procuring a certificate of regis-

tration, naturalization or declaration of intention to become a citizen, or aids as a witness or otherwise in obtaining the same fraudulently, shall be guilty of a felony, and on conviction shall be fined not less than one thousand dollars and imprisoned not less than one year nor more than five years. The supervisor shall cause this section to be posted in conspicuous places in the city of New Orleans sixty days prior to any election.

SEC. 27. *Be it further enacted, etc.,* That any person who fails to appear when summoned to testify before any court relative to registration or election shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, at the discretion of the court.

CHANGE OF RESIDENCE.

SEC. 28. *Be it further enacted, etc.,* That any voter moving from one election precinct in a parish to another precinct, ward or subdivision of said parish shall have the right, on making affidavit of such removal before the assessor, supervisor or clerk, to have the entry on the books of registration and on the poll lists changed so as to correspond with his new residence; and no assessor, supervisor or clerk of registration shall be allowed to charge any voter a fee for making such change, or for any other matter or things required by this act to be done; and any assessor, supervisor or clerk who shall violate this provision shall, on conviction, be punished by fine or imprisonment, at the discretion of the court.

RIGHT TO BE REGISTERED.

SEC. 29. *Be it further enacted, etc.,* That the respective assessors, the supervisor and clerks of registration, shall each have the power to administer oaths to any person claiming the right to be registered, or in regard to any other matter or thing required to be done or inquired into by any of said officers, under this act, and any wilful false swearing by any person in relation to any matter or thing concerning which he shall be interrogated by any of said officers shall be punished as perjury.

PENALTY FOR ALTERING OR TEARING DOWN ANY NOTICE OF ELECTION.

SEC. 30. *Be it further enacted, etc.,* That if any person shall fraudulently alter, add to, deface or destroy any list of voters made out as directed by this act, or any book of registration, or tear down any poster or notice, or remove the same from the place where it has been fixed or deposited for any improper purpose, the person so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than one hundred

Penalty for false swearing in procuring registration papers, naturalization papers, or declaration of intention to become a citizen.

Penalty against any person failing to appear when summoned to testify before any court in relation to registration or election.

How change of residence by the voter can be effected in order to entitle him to vote; the same to be done without charge. Penalty for violation of this section.

Assessors, supervisors of election and their clerks authorized to administer oaths. Penalty for false swearing.

Penalty for altering, defacing or destroying list of voters, books of registration, or tearing or removing posters.

dollars, and by imprisonment for not more than twelve nor less than three months, at the discretion of the court.

ASSESSORS AND REGISTRATION OFFICE.

SEC. 31. *Be it further enacted, etc.,* That the assessor shall not open his office on any boat or water craft, and during sixty days before the general election shall not go to unusual places under the pretence of affording opportunity for voters to register, but shall remain at each appointed place during the full period named in his public notice, and shall not attend places to register voters of which he has not given notice as required by this act; and any assessor violating this provision or wilfully refusing to open his office at or near each polling place in his parish shall, on conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine and imprisonment, at the discretion of the court.

Prohibition to Assessors to open their offices on any boat or water craft, and during sixty days prior to election to go into unusual places for the purpose of registering. They shall only register at places fixed by them in previous notices. Penalty for violating this court section.

NATURALIZATION.

SEC. 32. *Be it further enacted, etc.,* That every person of foreign birth claiming a right to be registered shall, in addition to the proof of residence, prove that he has been naturalized conformably to the laws of the United States, or declared his intention to become a citizen in accordance with Article 185 of the Constitution of this State; and, as evidence thereof, he shall produce a certificate of naturalization under the seal of the court in which said naturalization took place, duly attested by the clerk of said court, and shall prove by the oath of two qualified electors of the election precinct that he is the person named in the said certificate and person to whom it was issued. If he has lost said certificate, having been naturalized by a court of this State, he shall make oath to the fact and produce a certified copy of his certificate of naturalization, which shall be furnished him by the clerk of said court free of cost; and any clerk refusing to issue such certified copy shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or six months in the parish prison.

Duty of persons of foreign birth who claim the right to be registered.

FALSE REGISTRATION OR NATURALIZATION.

SEC. 33. *Be it further enacted, etc.,* That if any person upon any false representation, or by the production of any forged, false or spurious naturalization certificate, not duly issued according to the laws of the United States, shall cause his name to be placed, or shall attempt to have his name placed, upon any book of registration for election purposes, or upon any list of qualified electors authorized or required to be made by any law of this State, or shall vote or attempt to vote at any election, every such person, upon conviction thereof, shall be adjudged guilty of a

Penalty for making false representations or for the producing false, forged or spurious naturalization certificates

misdemeanor, and shall be sentenced to imprisonment in the parish prison for a term of not less than twelve months.

REGISTRATION OFFENCE.

SEC. 34. *Be it further enacted, etc.,* That any assessor, supervisor or clerks of registration who shall wilfully and knowingly refuse to register any person legally entitled to registration under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not to exceed five hundred dollars, and by imprisonment in the parish prison for a term not exceeding two years.

Penalty against any Assessor, supervisor or clerk of registration who shall refuse to register any person legally qualified.

REGISTRATION—COUNTRY PARISHES.

SEC. 35. *Be it further enacted, etc.,* That no certificate of registration shall be issued or required as a part of the evidence of an elector's right to vote in any parish, except the parish of Orleans.

Certificate of registration authorized to be issued only in the parish of Orleans.

ASSESSORS—REGISTRARS—COMPENSATION.

SEC. 36. *Be it further enacted, etc.,* That in each parish of the State, except the parish of Orleans, the tax assessor shall, for sixty days before each general election, on his application, be entitled to one clerk, who shall be selected from the opposing political party, to be appointed by the Governor. The said clerk shall be entitled to a compensation of three dollars per day for the time actually employed, not to exceed sixty days in any one year, and only for years in which a general election is held; this compensation shall be payable out of any funds in the State Treasury not otherwise appropriated, on presentation of his account, sworn to by himself and approved by the assessor; and the assessor for each parish, except Orleans, shall, in addition to his compensation as tax assessor, be entitled to a salary of two hundred dollars for each year in which a general or special election is held, payable on his own warrant, approved by the Governor, out of any funds in the State Treasury not otherwise appropriated.

Assessor to be entitled to a clerk; his qualifications; to be appointed by the Governor; his compensation, how paid.

Compensation of the Assessor for services in registration and election, how paid.

DEPUTY ASSESSORS.

SEC. 37. *Be it further enacted, etc.,* That in case of the sickness or inability of the assessor to act he may appoint a deputy to perform his duties, and for the incompetency or wilful neglect or refusal to act of any assessor he shall be removed by the Governor, who shall immediately appoint his successor.

Assessors authorized to appoint a deputy. Assessor, how removed.

REGISTRATION OUTSIDE OF ORLEANS—LOCATION OF REGISTRATION OFFICE.

SEC. 38. *Be it further enacted, etc.,* That the assessor for each parish of the State, except Orleans, shall, as soon as he can

Mode of registration in this State, the parish of Orleans excepted.

How and when the assessor shall register the voters; notice to be given by him for that purpose.

Assessor to keep office open sixty days before each general election for registering all legal voters; when to keep his office at the court house.

Notice to be given by the assessor seventy days before the election at places fixed by him for registering voters.

City Council of New Orleans to fix the location for registration; notices of the same; how published and paid for.

obtain the books and blanks provided for in this act from the clerk of the court, proceed to revise the registration books in his parish by erasing the names of those who have died, left the parish or from any cause become ineligible as electors, and enrolling the names of those who have become entitled to register since last registration. He shall, in addition to the two days he is required by law to attend at each polling place for the purpose of assessing taxes, remain one day for the purpose of registering the voters, and in the notice which he is required by law to give of his attendance at such polling places, he shall mention the fact that he will also, and at the same time, open the office of registration at said polling places. He shall, for sixty days before each general election, keep his office open daily, Sundays and legal holidays excepted, from 7 o'clock in the forenoon until 1 o'clock in the afternoon, from 2 o'clock in the afternoon until 6 o'clock in the afternoon, for the registration of all legal voters. He shall keep his office at the court house during the first week of said sixty days, and shall then establish his office for at least one day at or near each polling place in his parish, and at such other places as may be necessary in order to afford convenient opportunity for all qualified voters to be registered. During the last two weeks of said sixty days he shall keep his office at the court house. He shall, for seventy days before each general election, cause to be published, at the expense of the parish, in the official journal, if there be one in the parish, a list of all the places where the offices of registration will be opened, and the time during which the office will be opened at each place during the said sixty days. He shall, in addition to the notice in the newspaper, cause a similar notice, written or printed, to be posted for at least sixty days before the election at each place where the office of registration is to be opened; in the parish of Orleans the City Council shall give notice of location of the office of the supervisor by continuous advertisement in the official journal for sixty days before each general election, and shall give notice of the location of each of the offices provided for clerks of registration by continuous publication in the official journal and in one daily newspaper published in the French language, and in one daily newspaper published in the German language; all accounts for the printing provided for in this section shall be paid by the city of New Orleans, or by the parish in which the advertising is done, as the case may be, and at not more than the rate provided by law. The said accounts, before being paid, must be approved by the Mayor of the city of New Orleans, or in other parishes by the assessor.

NAMES OF DECEASED PERSONS STRICKEN OFF BY ASSESSORS.

SEC. 39. *Be it further enacted, etc.,* That the assessors, supervisor, or clerk of registration of each parish, shall within ten

days next preceding a general election strike from the registration the names of all voters who may have died, left the parish, or from any cause become ineligible as electors; provided, that the name of no voter shall be stricken from the lists of registration in any parish who has left said parish within thirty days of the time for holding the election, so that the elector shall not lose his right to vote in one parish before he has acquired it in another; the assessor, supervisor or clerk of registration shall not place upon the poll lists, which he is required by law to furnish for the use of the commissioners of election, any name which has been stricken from the registration books, as provided for, and any assessor, supervisor or clerk of registration wilfully violating this provision, or who shall knowingly and illegally erase the name of any voter who is legally entitled to be registered and to vote in his parish, shall on conviction be deemed guilty of a misdemeanor, and be punished by fine and imprisonment at the discretion of the court.

Assessor, supervisor or clerk of registration authorized to strike from the registration names of persons who have died, left the parish, or who have become ineligible.

Proviso.

SEC. 40. *Be it further enacted, etc.*, That the clerk of the district court of each parish of the State, and the clerk of the Criminal Court of the city of New Orleans, shall keep a book and record therein, immediately after sentence of conviction, the name and residence of each person, who shall have been convicted of treason, embezzlement of public funds, malfeasance in office, larceny, bribery, illegal voting or other crimes punishable by hard labor or other imprisonment in the penitentiary, and it shall be the duty of the supervisor of registration in the city of New Orleans and the supervisor of registration in the other parishes to strike from the registration lists any person who shall have been convicted of any of the foregoing crimes and misdemeanors.

Clerks of the District Courts in this State and the clerk of the Criminal Court in New Orleans to keep a record of persons convicted and sentenced for an infamous crime, and the Assessor or supervisor of registration shall strike out the names of such persons from the registration books.

BOOKS AND STATIONERY FOR REGISTRATION.

SEC. 41. *Be it further enacted, etc.*, That the books for poll lists and stationery necessary to carry on the registration and the necessary expenses for office rent incurred by the assessors, supervisor and clerks on account of registration shall be paid by the parish in which the registration is carried on; provided, that before the same can be collected the assessor or supervisor shall furnish the president of the police jury, or in New Orleans the Mayor of the city, a sworn statement of the expenses actually and necessarily incurred.

How the books and stationery of Assessors and supervisors of registration shall be paid for.

SEC. 42. *Be it further enacted, etc.*, That any and all elections held subsequent to the passage of this act and prior to the general election shall be held under Act No. 101 of 1877.

Under which act election shall be held.

SEC. 43. *Be it further enacted, etc.*, That it shall be the duty of the supervisor of registration and of the assessor of each parish, within five days after the close of the election, to forward to the Secretary of State an accurate report of the number of registered voters in their respective parishes, the number of native and for-

Duty of Assign born, and the number of white and colored voters, respectively, who write their names, and the number who make their mark. And it shall be the duty of the Secretary of State to furnish the Legislature a tabulated statement of said reports within twenty days after the meeting thereof, after each general election.

SEC. 44. *Be it further enacted, etc.,* That the supervisor of registration of the parish of Orleans shall be empowered to employ a porter for his office at a salary not to exceed forty dollars per month.

ACT 55 OF 1888.

To Amend and Re-enact Sections 1 and 36 of Act No. 123, of the Acts of 1880. Approved April 10, 1880. Entitled "An Act to Provide for the Appointment of a Supervisor of Registration for the Parish of Orleans, and Clerks of Registration Throughout the State, and to Fix Their Compensation, Define Their Duties and Powers, Provide for a Registration of the Parish of Orleans; to Provide for Keeping a Registry of Legal Voters; to Define the Duties of Certain Officers; to Prescribe Penalties for Violation of This Act; and to Regulate the Manner of Registering Voters Throughout the State; and to Provide for the appointment of special canvassers."

Section 1 of Act No. 123 of 1880 amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That section 1, of Act No. 123 of the Acts of 1880, approved April 10, 1880, be amended and re-enacted so as to read as follows: "That immediately after the promulgation of this act, the Governor, by and with the advice and consent of the Senate, shall appoint a supervisor of registration of the parish of Orleans, for the term of four years, who shall hold his office until the month of May, 1884, and every four years thereafter; who shall receive a salary of two thousand dollars (\$2000) per annum, payable monthly, on his own warrant, out of any funds in the State treasury not otherwise appropriated; and said supervisor of registration for the parish of Orleans shall be empowered to appoint a clerk at a salary not to exceed fifteen hundred dollars per annum, payable monthly on his own warrant, approved by the supervisor of registration out of any money in the State treasury not otherwise appropriated; and said clerk shall discharge such duties as may be assigned him by the Supervisor of Registration, and in the absence, sickness or disability of the Supervisor he shall act for him; the Supervisor of Registration and his clerks appointed under the provisions of this act shall be *bona fide* voters of the parish of which he or they are appointed, and shall not be eligible to any elective office, Federal, State, parochial or municipal, during his term of office and for three months after the expiration thereof, or after his resignation, if he should resign.

Supervisor of Registration of Orleans parish.

By whom appointed; term of office, salary, etc.

Clerk.

By whom appointed, salary, powers and duty.

Qualifications and restrictions.

SEC. 2. *Be it further enacted, etc.,* That section 36 of said act

shall be amended and re-enacted so as to read as follows: That in each parish of the State, except the parish of Orleans, the tax assessor shall for thirty days before each general election, on his application, be entitled to one clerk, who shall be selected from the opposing political party, to be appointed by the Governor; the said clerk shall be entitled to a compensation of three dollars per day, for the time actually employed, not to exceed sixty days in any one year, and only for years in which a general election is held; this compensation shall be payable out of any funds in the State treasury not otherwise appropriated on presentation of his account, sworn to by himself, and approved by the assessor; and the assessor for each parish, except Orleans, shall in addition to his compensation as tax assessor be entitled to a salary of two hundred dollars for each year in which a general or special election is held, payable on his own warrant, approved by the Governor, out of any funds in the State treasury not otherwise appropriated.

Clerks of tax assessors for registration purposes; for country parishes; by whom appointed; their compensation.

Compensation of tax assessors.

ACT 58 OF 1890.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That all existing registration of voters and registration papers in the parish of Orleans be and the same are hereby canceled and annulled on and after the first Monday of December, 1890, and that no person shall be allowed to vote in said parish upon any existing registration on and after that date.

Annulling the existing registration of voters in Orleans parish.

SEC. 2. *Be it further enacted, etc.,* That on the first Monday in December, 1890, the registrar of voters of the parish of Orleans is directed to proceed to make an entirely new registration of voters in said parish of Orleans, in accordance with the provisions of existing laws, and to have printed, in large numerals across each registration paper issued under the provisions of this act "1890."

Registrar of voters to make a new registration of voters.

SEC. 3. *Be it further enacted, etc.,* That the salary of the Supervisor of Registration for the parish of Orleans be fixed at thirty-six hundred dollars (\$3600) per annum, as originally fixed in Act 123 of 1880, payable monthly on his own voucher, and upon presentation of which that the Auditor of Public Accounts be authorized and directed to draw a warrant upon the State Treasurer for the payment of the same out of any moneys in the State Treasury to the credit of the General Fund not otherwise appropriated.

Salary of the Supervisor of Registration—how paid.

SEC. 4. *Be it further enacted, etc.,* That all laws and parts of laws contrary to the provisions of this act be and the same are hereby repealed.

ACT 124 OF 1894.

Be it enacted by the General Assembly of the State of Louisiana:

SECTION 1. That for the purpose of facilitating the registra-

Providing for the registration of voters for the Fifteenth Ward in city of New Orleans.

tion of voters who reside in the Fifteenth Ward, of the city of New Orleans, which ward is situated on the west bank of the Mississippi river, the Registrar of Voters of the city of New Orleans, be and is hereby required to establish and keep open, for at least ten days prior to the closing of the registration books for said city, an office in Algiers, which he shall attend either in person or by a duly appointed and qualified deputy or clerk for the purpose of registering all such voters of said ward who may be entitled to registration.

Advertisement.

SEC. 2. That ten days prior to the opening of said office the Registrar of Voters shall give notice by publication in at least one newspaper published in Algiers of the time when and the place where said registration office will be opened.

SEC. 3. That said registration office shall not open later than 6 o'clock A. M. and shall not close earlier than 7 o'clock P. M.

SEC. 4. That this act shall take effect from and after its passage.

REGARDING CONDUCT OF ELECTIONS—See *Elections*.

RENTS—See GROUND RENTS.

RESTAURANTS—See BARROOMS AND RESTAURANTS.

REVENUE—See LICENSES AND TAXES.

RICE CHAFF.

May be burned under certain conditions.
Ord. No. 7882,
C. S.
Aug. 11, 1893.

ART. 2623. That rice chaff may be burned under boilers provided with appliances which will prevent the formation of soot or other deleterious emissions from chimneys, forming a nuisance to surrounding property.

Burning prohibited.
Ib.

ART. 2624. That rice chaff will not be allowed to be burned under boilers which are not provided with a proper appliance and spark arrester on chimneys.

To be discontinued.
Ib.

ART. 2625. That in the event of the appliances used for the prevention of the formation of soot, etc., are not successful, the burning of rice chaff will be discontinued until such appliances are adopted as will fulfil the requirements. The City Council and City Engineer

to be the sole judges as to the merits or demerits of all appliances used.

ART. 2626. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed. Repealing clause.

ART. 2627. That permission be and the same is hereby granted to the various rice mills located in this city to dump their rice hulls in the Mississippi river from a wharf on the levee between Mandeville and Marigny streets; provided, that the consent of wharf lessees will first have been obtained. Permission to dump from wharf on Levee between Mandeville and Marigny. Ord. No. 7883. C. S. Aug. 1, 1893.

ART. 2628. That for the purpose of accomplishing the work recommended by the Board of Engineers as a temporary protection of the river bank in the Third District below Montegut street, and to strengthen the bulkhead built by the wharf lessee, the Administrator of Improvements is hereby authorized to establish a public dump in front of said bulkhead, wherein all offal, manure, rice chaff, tin cuttings, tobacco stems and other refuse or waste matter shall be deposited. Public dump. Ord. No. 4271, A. S. Dec., 1877.

ART. 2629. That whoever shall violate the provisions of this ordinance shall be subject to fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment for more than thirty days. Penalty. Ord. No. 4964, C. S. Dec. 16, 1890.

ART. 2630. That it shall be unlawful for any rice or other mill to burn rice chaff, straw or other similar substances within the city limits. Unlawful to burn rice chaff, etc. Ord. No. 4804, C. S. Oct. 28, 1890.

Any violation of the provision of this ordinance shall be punishable by a fine of not more than twenty-five dollars, or in default of payment to imprisonment for not more than thirty days, or both, at the discretion of the Recorder. Amended by Ord. No. 4300, C. S. Penalty. Ib.

ART. 2631. That from and after the promulgation of this ordinance it shall not be lawful to build, maintain

Rice flumes, or operate any rice flumes through the levees of the
 Ord. No. 4394, Mississippi river within the parish of Orleans.
 C. S.
 April 1, 1890.

Permit revoked Ib. That all permits heretofore granted on the subject
 matter are hereby revoked. That it shall be the duty of
 the Commissioner of Public Works to cause all owners
 of rice flumes to close the same substantially as soon as
 practicable.

Repealing
 clause. That all ordinances in conflict with this ordinance be
 I. and the same are hereby repealed.

RIGHT OF WAY—See RAILROADS, STREETS.

RIGHT AND LEFT ROADWAYS—See STREETS.

ROOFING GUTTERS—See BUILDINGS.

SALARIES AND WAGES—See EMPLOYEES, APPROPRIATIONS, LABOR.

Acts of 1869, p. 65, No. 65, prohibits garnishment of salaries, etc.

SAND—See BATTURE AND LANDS AND LEVEES.

SALES IN SECOND-HAND STORES.

Complete
 lists to be fur-
 nished Superin-
 tendent of Po-
 lice.
 Ord. No. 6651,
 C. S.
 Aug. 30, 1892.

ART. 2632. That from and after the passage of this
 resolution, it shall be compulsory upon the owner or
 owners, their agent or agents, of any place where
 second-hand goods are bought and sold, to ten-
 der to the Superintendent of Police upon every
 Monday, between the hours of 10 A. M. and 3
 P. M., a full and complete list of any article or
 articles sold or bought by them, giving to the
 best of their knowledge and belief a full and complete

description and name of the party or parties selling the article or articles to them, whether they be white or black, male or female.

ART. 2633. That in the event that if any Monday shall be a legal holiday, then said report shall be made on the day following, between the same hours. Legal holi-
days. Ib.

ART. 2634. That the proper blanks for the report shall be furnished at the office of the Superintendent of Police upon application. Blanks. Ib.

ART. 2635. That it shall be unlawful for any owner or owners, agent or agents, of any second-hand store, to buy any article or articles from any minor or minors under the age of sixteen years. Minors. Ib.

ART. 2636. That in the event that any person or persons tender for sale any article or articles to the owner or owners, agent or agents, of any second-hand store, and they having good reasons to believe that said article or articles were stolen, it shall be their duty to have said party or parties immediately arrested. Arrests. Ib.

ART. 2637. That any person or persons violating any of the provisions of this ordinance shall be liable to a fine not exceeding twenty-five dollars, or imprisonment in the parish prison not exceeding thirty days, at the discretion of the Recorder of the district in which the offence shall have been committed. Penalty. Ib.

ART. 2638. That all ordinances or part of ordinances in conflict herewith be and the same are hereby repealed. Repealing
clause. Ib.

SALOONS—See BARROOMS AND RESTAURANTS.

SLAUGHTERHOUSES.

ART. 2639. That permission be and is hereby granted and accorded to the butchers of the Sixth and Seventh Districts to erect and operate a slaughterhouse on the property bounded by Cambronne, Jefferson, Ninth and Tenth streets Seventh District, for the purpose of supplying meats to the inhabitants of the Sixth and Seventh Districts. Said privilege to be for a period of ten years, Sixth and
Seventh Dis-
tricts.
Ord. No. 4235,
C. S.
Oct. 29, 1889.

with privilege of renewal for ten years at the pleasure of the City Council; provided, the same be built in accordance with plans and specifications on file in the Surveyor's office, and carried on in conformity with the rules and regulations of the Board of Health and the ordinances of the city of New Orleans.

NEW ORLEANS ABATTOIR COMPANY.

Permission to
operate plant.
Ord. No. 5180,
C. S.
Amended by
Ord. No. 5242,
C. S.
April 21, 1891.

ART. 2640. That permission is hereby granted to A. J. Forstall, Pierre Lanaux, J. W. Westerfield, J. Trisconi, their heirs and assigns, for the term of fifty years, to construct, use, maintain and operate a plant for the landing, penning, sheltering and slaughtering of all kind of live stock; to construct, use, maintain and operate in connection with the above a plant for the manufacture of ice and other cooling and refrigerating substances with a view of keeping, preserving, refrigerating or freezing the carcasses or other parts of the various animals slaughtered in said above mentioned establishment; and to sell or dispose of to others the meats so slaughtered or refrigerated and also the ice and other refrigerating substances which may be in excess of their consumption; and generally to conduct and carry on a slaughtering and refrigerating business in all its branches, storing, importing and exporting within the area comprised between the Mississippi river and St. Claude street, the projected line of "Caffin avenue" and Adams street in the Third Municipal District of this city.

Bond.

Ib. ART. 2641. That the said persons or corporation shall execute a bond with one or more good and solvent sureties to the satisfaction of His Honor, the Mayor, in favor of the city of New Orleans in the sum of twenty thousand (\$20,000) dollars, conditioned that the said persons or corporation shall not at any time sell, transfer or dispose of this franchise to any persons or corporation except for the purpose of organizing a company or corporation to carry into effect this resolution, and in any case of sale, disposition or transfer for any other

purpose this resolution shall become null and void, and shall be of no force or effect,

ART. 2642. That there shall be appointed by the Board of Health and confirmed by the City Council, a special inspector who shall be a veterinary surgeon, or a person skilled in the knowledge of the diseases of cattle, whose duty it shall be to inspect the carcasses and interior organs of all animals intended for food, and who shall have power to destroy and throw away any diseased or unhealthy meat unfit for food; that the Board of Health, with the concurrent approval of the City Council, or either, shall have the right to remove said inspector for cause; that said inspector shall receive a salary to be fixed by the City Council, and which shall not exceed the sum of one hundred dollars per month, to be paid monthly through the Treasurer of the city by the persons or corporation availing themselves of the privileges of this ordinance. It being well understood that this shall in no manner dispense with the inspection now provided by law.

Inspector.
Ib.

ART. 2643. That all pens, slaughterhouses, refrigerators constructed and operated under this ordinance shall be constructed upon plans and specifications approved by the City Council and the Board of Health, and shall be supplied with all modern conveniences necessary to carry on the business contemplated, and to remove daily according to law all the offal, droppings and blood from slaughtered animals.

Construction.
Ib.

ART. 2644. That there shall not be allowed within a radius of two thousand feet of said slaughterhouses and refrigerators any establishment for rendering dead animals, or those known as boneyards.

Bone yards,
etc.
Ib.

ART. 2645. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, and especially "Ordinance No. 7336, A. S., entitled an ordinance designating the places of slaughtering animals, intended for food in the parish of Orleans, under Article 248 of the Constitution."

Repealing cer-
tain ordi-
nances.
Ib.

And Ordinance No. 1409, C. S., entitled "an ordinance regulating the slaughtering of animals within the limits of the city of New Orleans.

“ And providing for the designation of the places for slaughtering the same,” and repealing all provisions of Ordinance No. 7376, A. S., adopted October 13, 1881, and Ordinance No. 7437, A. S., adopted November 18, 1881, designating the territorial limits within which slaughtering could be done within the city of New Orleans.

And Ordinance No. 2709, C. S., granting permission to Louis Barthet to reopen and operate a slaughterhouse under certain conditions within the city of New Orleans.

And Ordinance No. 2911, C. S., granting permission to any person or persons, etc., to erect slaughterhouses within certain limits.

And Ordinance No. 3710, granting permission to the New Orleans Slaughterhouse and Live Stock Company, Limited, to erect and operate a slaughterhouse under certain conditions and restrictions, be and the same are hereby repealed, except in so far as this may affect any and all slaughterhouses now operated in this city under any ordinance, resolution or State law.

PEOPLE'S SLAUGHTERHOUSE AND REFRIGERATING COMPANY.

Permission.
Ord. No. 6112,
C. S.
May 15, 1892.

ART. 2646. (1) That the People's Slaughterhouse and Refrigerating Company of New Orleans are given authority and the right to erect, construct and maintain a wharf along the front of the property owned by said company in the Third Municipal District of the city of New Orleans, upon which they propose to establish an abattoir or slaughterhouse; said wharf to extend from the levee into the river sufficient distance to permit the landing and discharge of vessels necessary for the conduct and carrying on of their business; said wharf to be constructed of material and upon plans to be approved by the City Surveyor. The said wharf to be constructed and maintained in safe condition by the said People's Slaughterhouse and Refrigerating Company, and to be repaired, if required, at any time upon notice from the City Surveyor.

ART. 2647. (2) That the said People's Slaughterhouse and Refrigerating Company of New Orleans be authorized to erect and maintain a bridge extending from the crown of the levee in front of their premises over and across North Peters street to their said premises. The said bridge to be constructed of material and upon plans and specifications to be approved by the City Surveyor, who shall have authority to determine the height of such bridge or way above the roadway on North Peters street, the character and location of any supports that may be necessary for such bridge or way, the width of the bridge not to exceed 34 feet, and to be so constructed and maintained as not to obstruct the free use of North Peters street as a highway or to interfere with the free passage of vehicles and travel on said street.

Bridge across
N. Peters street
Ib.
Amended by
Ord. No. 6184,
C. S.
Mar. 29, 1892.

ART. 2648. (3) That the said People's Slaughterhouse and Refrigerating Company, of New Orleans, are given license and authority to erect, lay and maintain pipes or mains extending from their premises across North Peters street to the Mississippi river, adequate in size to furnish an adequate supply of water for the purposes of the abattoir or slaughterhouse on said premises, and also for the discharge of all water that it may be necessary to discharge from said premises for drainage or other purposes. The said pipes to be laid at such depth under the surface of North Peters street, at the point of crossing, as shall be determined by the City Surveyor, provided that said pipes shall not pass through the levee, but shall pass over the crown of the levee without cutting the levee; and provided further, that the said People's Slaughterhouse and Refrigerating Company shall restore North Peters street to the same condition as it was before the excavation for laying said pipes was made, and shall obtain the consent and permission to lay said pipes over the levee from the Board of Levee Commissioners having charge of levee and drainage for the parish of Orleans and the city of New Orleans.

Pipes.
Ord. No. 6112,
C. S.

ART. 2649. (4) That this ordinance shall take effect from and after its passage and promulgation, and shall

Take effect.
Ib.

continue in force while the said premises are used as an abattoir or slaughterhouse.

Simon Oes- ART. 2650. That permission be and the same is
tarily.
Ord. No. 7494, hereby granted Simon Oestarly to maintain and operate
C. S.
Apr. 25, 1891. a slaughterhouse on the square bounded by Green,
Seventh, Burdette and Washington streets, Seventh
District, of New Orleans; provided that no killing be
allowed except for the consumption of said district, and
all rules and regulations relative to the sanitary condi-
tion of slaughterhouses be complied with. This privi-
lege revocable at the pleasure of the Council.

DECISIONS.

Article 248 of the Constitution delegates to the city of New Orleans complete and exclusive police power inherent in the sovereign over the whole subject of slaughtering animals within the corporate limits, subject to no limitations except that imposed by the terms of the articles itself.

The decision of the United States Supreme Court in the slaughterhouse cases shows that this police power is more than ample to cover the ordinances assailed in this case.

The limitations imposed on the power by Art. 248 are three, viz.: 1. That no monopoly or exclusive privilege shall be granted. 2. That the business shall not be restricted to the lands and houses of any individual or corporation. 3. That the city's action must receive the approval of the Board of Health.

Nothing in these ordinances make the grant to defendant monopolous or exclusive, or restricts the business to their lands or houses. The city retains the perfect right to permit other slaughterhouses within the limits designated or elsewhere.

The unrestricted right to all persons to set up slaughterhouses within the limits designated would aggravate, rather than relieve, the injuries complained of by these plaintiffs.

The function exercised by the Board of Health is not properly legislative. The board can not pass or amend the ordinance. It can only say whether it approves or disapproves.

The Constitution fixes no time or mode in which the approval shall be made. When the ordinance and the approval coexist, the constitutional requirement is satisfied. 44 An. 632.

SMOKE NUISANCE AND SPARK ARRESTERS.

ART. 2651. (1) That within thirty days from the passage of this ordinance, all harbor tugboats and other like crafts, and all vessels or steamships using donkey engines (where the smokestacks of the donkey engine do not enter the mainstacks of the vessel) plying within the city limits or lying at the wharves or levees, and all hoisting engines or other engines using forced draft with low chimneys, whether on shore or afloat; also any donkey engine or any other engine near or contiguous to wharves where there is cotton, shall have spark arresters attached to their smokestacks in such manner as will arrest the emission of sparks.

Vessels, tugboats, etc.
Ord. No. 422S.
C. S.
Amended by
Ord. No. 4800,
C. S.

ART. 2652. (2) That within thirty days from the passage of this ordinance it shall be unlawful for any railroad locomotive to run within the limits of the city of New Orleans without having spark arresters attached to the smokestacks thereof.

Railroads.
Ord. No. 1049,
Dec. 9, 1834.

ART. 2653. (3) That after the promulgation of this ordinance it shall be unlawful for any person, individually or representing any other person or company or corporation, to store cotton or other inflammable or combustible articles within fifty (50) feet of the railroad tracks on the levee or open yards.

Storing cotton.
Ib.

ART. 2654. (4) That whoever violates the provisions of this ordinance shall be fined a sum not less than five nor more than fifteen dollars for each and every offence, or be imprisoned not exceeding five days.

Penalty.
Ib.

ART. 2655. (5) That the Recorders of the Municipal Police Courts shall have jurisdiction to hear and entertain all violations of this ordinance occurring in their respective jurisdictions.

Recorders.
Ib.

ART. 2656. (6) That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed, and that this ordinance take effect from and after its passage.

Repealing clause.

ART. 2657. That the electric light companies having contracts with the city or other parties for light-

Electric light companies. ing the wharves, levees and streets where cotton or other
 Ord. No. 2679, merchandise may be stored or handled be required to
 C. S. use such protectors, in the shape of baskets, as may arrest the fall of sparks and carbon from such lights.

Penalty. ART. 2658. Any violation of the provisions of
 Ord. No. 4291, this resolution shall subject the offender to a fine
 C. S. of not more than twenty-five dollars or in default
 Feb. 11, 1896. thereof to imprisonment in the parish prison not exceeding thirty days, to be imposed by the Recorder of the district in which the offence shall be committed, and every day during which there shall be a failure to comply with the requirements of this resolution shall be considered and taken to be a separate offence in the party so failing, and punished accordingly.

Smoke consumers. ART. 2659. That no person or persons shall use bitu-
 Ord. No. 9568, minous coal for the purpose of generating steam in
 C. S. boilers in any building, unless the furnace in which
 Aug. 23, 1894. said coal is burned is provided with some effectual device for consuming its own smoke.

Penalty. ART. 2660. That any violation of the provisions of
 Ib. this ordinance and every person or firm, whether owner, occupant, tenant or contractor, who shall violate the provisions of this ordinance shall be liable to a penalty of not less than five dollars nor more than twenty-five dollars, recoverable before any court of competent jurisdiction, and also a further fine of twenty-five dollars for each and every month, he, she or they shall refuse or neglect to comply with a written notice from the Commissioner of Police and Public Buildings, and in default of payment of said fine to be imprisoned not less than ten days and not more than thirty days for each offence.

STABLES AND DAIRIES—See COMBUSTIBLES.

ART. 2661. That it shall not be lawful to erect within the following limits: Lower side of Lowerline street, from its junction with the Mississippi river to Burthe street; along both sides of Burthe street, through the Foucher

property, to St. George street; thence along the lower side of St. George street to Joseph street; thence along both sides of Joseph street to St. David street; thence along both sides of St. David street to Upperline street, along lower side of Upperline street, between St. David and Dryades; along both sides of Dryades street, between Upperline and Felicity streets; thence along lower side of Felicity, between Dryades and Liberty streets; along both sides of Liberty, between Felicity and the New Canal; along both sides of the New Canal, between Liberty and Galvez streets; thence along the lower side of Galvez street, between the New Canal and Carondelet Canal; thence along both sides of the Carondelet Canal, from Galvez to Broad streets; thence along the lower side of Broad street, between the Carondelet Canal and Esplanade street; thence along the north side of Esplanade street, between Broad and St. Claude streets; thence along the south side of St. Claude street, between Esplanade and Independence streets; thence along the west side of Independence street, between St. Claude street to the Mississippi river; thence along the river front from Independence street to Lowerline street, aforesaid, any livery stable, or to convert any building already erected to that use, or to erect or occupy any stable or shed for the purpose of keeping more than two cows.

Limits.
Ord. No. 4530,
C. S.
May 27, 1890.
Amended by
Ords. Nos. 6221,
C. S.; 6455, C.
S.

ART. 2662. (2) That it shall not be lawful to erect or use a stable within the limits of the city of New Orleans within five feet of the sidewalk of any public street, alley or road, unless the line of the stable along the street, alley or road be a brick wall without openings thereon.

Within limits.
Ib.

ART. 2663. (3) That it shall not be lawful for any person or persons to build, or convert a building already erected to that purpose, or to make use of any stable for the accommodation of more than two horses or two cows without having first obtained a permission from the Council.

Permission of
Council.
Ib.

ART. 2664. (4) That all slaughterhouses, dairies, stables and other places where animals are kept for any purpose whatever, shall be kept clean and wholesome by

Sanitary con-
dition.
Ib.

removal of all ordure, urine and other offensive matters, and by suitable cleansing as often as may be necessary, under the rules and regulations established by the Board of Health.

Penalty. *Ib.* ART. 2665. (5) Any person committing any of the offences, or violating any of the provisions of this ordinance shall be fined by the Recorder of the district in which the offence is committed not more than \$25, and if the fine be not paid he shall be imprisoned in the parish prison for a term not exceeding thirty days.

Additional offences. *Ib.* ART. 2666. (6) In all cases in this ordinance where an act or omission is declared unlawful, its continuance shall be deemed an additional offence, and the offender shall be subject to the penalties imposed by section 5 of this ordinance for every day he shall continue to violate the provisions of this ordinance.

Duty of Commissioner of Police and Public Buildings. *Ib.* ART. 2667. (7) That it shall be the duty of the Commissioner of Police and Public Buildings and the police to report and denounce and arrest, and of the City Attorney to prosecute any and all persons charged with violations of this ordinance.

Repealing certain ordinances. *Ib.* ART. 2668. (8) That Ordinance 3175, O. S., section 1 (Jewell's Digest, p. 91, Art. 90), Ordinance 6022, A. S., section 9 (Jewell's Digest, p. 91, Art. 93), Ordinances 3414 and 4359, C. S., as well as all other ordinances on the same subject matter as this ordinance, are repealed.

Petition. *Ord. No. 8786, C. S. Mar. 6, 1894.* ART. 2669. (9) That no petition for permission to keep horses or cows will be considered by the Council unless the persons applying specially state in their petition whether same are for private use or whether the said privilege is intended for the business of livery stable or dairy.

Privileges revoked. *Ib.* ART. 2670. (10) That any privilege already granted to any person to keep animals for their personal use that is being used in other manner than was implied, be and the same are hereby repealed.

DECISIONS.

Ordinances must be general in their character 118 U. S. 356, 551.

An ordinance which prohibits dairies within certain designated limits, and gives the City Council the authority to grant permission to carry them on within the prohibited limits, is not general in its operations among the class it is intended to affect and is therefore null and void. (Ord. Nos. 3414 and 3175, C. S.) 43 An. 496, 500.

An ordinance of the Council prohibiting the stabling of more than two horses, except by those obtaining permission of the Council, is unequal in its operation, and hence void, because repugnant to the Fourteenth Amendment of the Constitution of the United States. 47 An. 106.

SEAMEN—See VESSELS.

SECURITY—See BONDS AND SECURITIES.

SEWERAGE.

ART. 2671. That the Mayor be and he is hereby authorized and directed to enter into a contract with A. A. Woods and his associates for the establishment of a sewerage system in the city of New Orleans, which contract shall embrace the following stipulations and such others as may be necessary and proper to carry them into effect; said contract to be prepared by the City Notary, under the supervision of the City Attorney, and submitted to this Council for approval before signature.

Authority to
contract.
Ord. No. 6142,
C. S.
Mar. 22, 1892.

ART. 2672. (1) That within six (6) months from the passage of this ordinance the said A. A. Woods and his associates will, under the penalty of the nullity of this grant by the mere lapse of time, cause the same to be transferred to a corporation, organized in this city under the provisions of Act No. 125 of 1880, which corporation shall provide in its charter for the assumption of this grant, on such terms as may be agreed upon by it and the said A. A. Woods and his associates.

Transfer.
Ib.

ART. 2673. (2) Giving the said A. A. Woods and his associates and his assigns, the said company so to be organized, the right for fifty years from the date of the

Rights, etc.
Ib.

execution of said notarial contract to lay and maintain sewers and drains in the streets and through the public places of the city of New Orleans, and other places hereinafter named, at a depth in said streets of not less than four feet; the house branches to be nowhere less than two feet below the surface, and proper house branches to be furnished in connection with each main sewer pipe in any street to the inside banquette line of each inhabited house, or through alleyways or other passages, to the rear lines of property, and also to a point within premises where a house now exists, and connections may be made as hereinafter provided.

Sewer pipes. ART. 2674. The sewer pipes so laid to be water-tight, and adapted to receive the fecal matter, household waste, slops, drainage from urinals, bath tubs and the like, but not storm water, which is intended to pass off, as now, by gutters and canals; and each sewer to be furnished at the head with an automatic flush tank; the system to be substantially similar to that which has been adopted and put in operation in Memphis, Tennessee, except so far as may be modified by mutual consent.

Streets and banquettes. ART. 2675. The said A. A. Woods and his associates, and his assigns the company so to be organized, shall be bound to keep its street sewer pipes in good order and free from obstructions, and shall be bound to restore the streets and banquettes after laying or repairing pipes to their previous condition within a reasonable time; and their neglect or refusal to do so after a notice from the Department of Improvements shall subject them to a penalty of twenty-five (\$25) dollars for each day and each place, after notice given, to be recovered as liquidated damages before any competent court. If such work or restoration be not commenced within twenty-four hours after notification from the Department of Public Works, the said work may be done by said department at the expense of the company, and further authorizing and requiring said company to lay in connection with said system of water-tight sewer pipes, a system of porous drainage tile pipes, such as are used for agricultural under-draining, for the purpose of

under-draining the soil of streets and removing therefrom the subsoil water, said drain tile pipes to be laid only in public places, and not on private premises, except at the request of and cost of the property holder for connections from his premises with said tile pipes.

ART. 2676. (3) Providing that all sewerage pipes and subsoil drainage tiles shall terminate at some point or points to be hereafter located and agreed upon, into a receptacle or receptacles, in such a way as to give the same facilities of discharge as would exist if they discharged into a natural low outlet, the same to be pumped into the Mississippi river below low water mark; the said receptacle or receptacles to be kept pumped down to a proper low level.

Discharges.
Ib.

ART. 2677. (4) Providing, that the said A. A. Woods and his associates or his assigns, the said company so to be organized, shall receive into their said sewerage pipes, free of charge, the sewerage matter from all public buildings owned by the city and all charitable institutions that are not self-sustaining, provided that said buildings are situated on the streets in which said sewerage pipes shall be laid, in accordance with the provisions hereinafter set forth, and proper service pipes furnished by the city or other owners of such property.

Public building,
etc. Ib.

ART. 2678. (5) Providing, that the said company, so to be organized, shall begin its operations in the territory bounded by Louisiana avenue on the upper side, by Enghien street on the lower side, by Claiborne street from Enghien street to the New Canal, by Rampart street from the New Canal to Washington avenue, and thence by Baronne on the west side, and by the Mississippi river on the east side; that it shall commence its surveys within six months after the organization of said company, and shall complete at least one-fifth of its work in said territory in each year thereafter for five years, provided that no period during which said company shall be prevented from carrying on its operations by injunction, overflow, order of the Board of Health, or epidemic, shall be calculated as a portion of said period.

Commencement and completion.
Ib.

ART. 2679. (6) Providing, that in consideration of the

Not to adopt
any other sys-
tem.

1b.

To protect
property.

laying of the said porous drainage tile sewerage pipes, and the extension of sewerage facilities to said public buildings free of charge, and in consideration of the public health and convenience and the great expense which will be incurred, and the risk taken in the building of said system, and in consideration of the right vested by this agreement in the city to purchase the said works, the city of New Orleans binds itself not to adopt any other system of sewerage during the existence of this grant in the territory above named, and that the city will at all times, by a proper exercise of its police powers and other powers, protect the pipes and other property of the company from destruction and injury, and will, by every lawful means, promote and enforce the adoption and proper use of the system herein provided, and will at all times, during the term of said contract, provide and enforce the provisions and prohibitions contained in the second section of this ordinance, or their equivalent, with diligence and good faith.

Extensions.

1b.

ART. 2680. (7) The said company, so to be organized, shall, after the completion of its works in the said territory, extend the same at the same annual ratio in the other parts of the city on the left bank of the river, wherever the inhabited houses are not more than fifty feet apart, but it shall not be compelled to pass an interval of more than fifty feet on either side of the street to drain a closely built area beyond; and the said company so to be organized may, at its option, extend its lines anywhere within the present limits of the city. It shall not be compelled to accept or to furnish an outlet for any drain or sewer not of its own construction, nor unless the fixtures used in the houses shall have been approved by it, its approval, or refusal to approve, being subject to the sanction of the State Board of Health, whose decision shall be final, as to safe and proper construction; nor to accept any connection with any property until its owner shall have executed the contract contemplated by section 2 of Act No. 125 of 1880, providing for securing the proper compensation to the company by privilege and servitude.

ART. 2681. (8) Providing that the said company, so to be organized, shall not charge for the facilities furnished to any house for sewerage in excess of the following sums:

Charges. 1b.

For dwelling houses not exceeding four rooms, for all connections, per month, 85 cents.

For dwelling houses having five or more rooms, but not exceeding eight rooms, for all connections, per month, \$1.20.

For dwelling houses having nine or more rooms, but not exceeding thirteen rooms, for all connections, per month, \$1.60.

For dwelling houses having fourteen or more rooms, but not more than sixteen rooms, for all connections, per month, \$1.85.

For dwelling houses having seventeen or more rooms, but not more than twenty rooms, per month, \$2.

For store and office buildings of four or more stories, for all water closet connections, per month, \$1. For each additional connection, 30 cents.

For store and office buildings of three stories, for all water connections, per month, 85 cents. For each additional connection, 30 cents.

For store and office buildings of two stories, for all water closet connections, per month, 70 cents. For each additional connection, 30 cents.

For store and office buildings of one story, for all water connections, per month, 50 cents. For each additional connection, 25 cents.

Stores not exceeding two stories in height, occupied by the family of the dealer, may be considered as dwelling houses.

Stores and office buildings having more than thirty feet front, or more than one hundred and twenty feet depth, may be charged sums proportionately greater.

Houses exceeding twenty rooms, hotels, factories, stables, warehouses, cotton presses and similar buildings to be charged *pro rata* rates to be fixed by agreement, and in case of dispute, by arbitration. These rates are to be due and payable in advance for each calendar month.

Connections. If payment thereof be made on or before the last day
Ib. of the month, for which so due, the company to grant a discount or rebate of not less than twenty per centum, and for the balance give a receipt in full. If the dues are paid annually in advance the discount shall be thirty per centum. Whenever the said company shall lay its sewer pipes at its expense, from the inside banquette line to the place within the premises where the house connections are received, the proprietor may pay for the same the actual cost, either at once or in such instalments as may be agreed on, or in lieu of such payment, eight per cent. per annum on the cost of such pipes and drains may be added by the company to the charges for furnishing sewerage and drainage facilities to the building as hereinbefore or hereinafter fixed.

Dwellings. Said company shall further agree in the said contract
Ib. to make an annual rate for dwelling houses, which, if paid strictly in advance at the office of the company, shall not exceed, exclusive of such charges and instalments, or percentage for service pipes, the following sums:

For dwelling houses not exceeding four rooms, for all connections of every kind, per annum, in advance, six dollars.

For dwelling houses having five or more, but not exceeding eight rooms, for all connections of every kind, in advance, nine dollars.

For dwelling houses having nine or more, but not exceeding thirteen rooms, for all connections of every kind, per annum, in advance, thirteen dollars.

For dwelling houses having fourteen rooms or more, but not exceeding sixteen rooms, for all connections of every kind, per annum, in advance, sixteen dollars.

For dwelling houses having seventeen rooms or more, but not exceeding twenty rooms, for all connections, per annum in advance, seventeen dollars.

But said company shall not be required to receive into its pipes or drains any storm water or surface water.

Said rates shall be payable in all cases by the owner of the property in the absence of agreement to the con-

trary between the owner and tenant, but the owner shall, in case of any agreement with the tenant as to the payment of the said rates, be primarily responsible to the company for said payment. Owner responsible. Ib.

ART. 2682. (9) The city to have the privilege at any time, after twenty years from the execution of this contract, to buy the whole of the company's works and plant for cash, or its equivalent, at the cost of said works, plus the addition of twenty-five per cent. to said cost; and, in case the city shall at any time violate paragraph sixth of this section, she shall as liquidated damages for such violation be compelled to buy said works and plant at said agreed price. Right of city to purchase. Ib.

ART. 2683. (10) The said company shall, before it begins operations under this grant, give a bond in the penal sum of fifty thousand dollars, conditioned as the law directs, for the faithful performance of the work called for by this grant. Bond. Ib.

ART. 2684. (11) That all separate sewerage services now in existence in the city of New Orleans shall be discontinued, and connection made from the premises where they are now established with the system hereby established, as soon as the same is completed, in the street or streets in or near which such drains exist. Separate existing services to be discontinued. Ib.

ART. 2685. (12) That all excavations to be made by said company, so to be organized, shall be with the approval as to time by the State Board of Health, and that all controversies between the Gas and Waterworks Company and said company so to be organized relative to the location and arrangement of their various pipes in the streets shall be subject to the control of the City Engineer, who shall in all such cases direct what changes and modifications each company shall submit to; and each company shall conform its pipes and mains to the directions laid down by the City Engineer at its own cost and expense. Excavations. Ib.

ART. 2686. (2) That the following police regulations for the purpose of promoting the health, comfort and convenience of the inhabitants of the city of New Orleans with respect to the works of said company, so Police regulations. Ib.

to be organized, and the system of sewerage to be constructed by it, which said system is hereby adopted, and to protect and enforce said system, are hereby enacted and established:

Unlawful to obstruct or injure pipes, etc.
Ib.

1. It shall be unlawful for any person to obstruct or injure the pipes, drains, works or machinery of the said company.

Unlawful to drop or throw substances in pipes, etc.
Ib.

2. It shall be unlawful for any person to drop or throw into any sink, water closet, bath tub, vessel or drain connected with the pipes of said company any substances which may obstruct or injure the same, or to use the said pipes to carry off storm water or any natural surface drainage.

Unlawful to use other system, when,
Ib.

3. Whenever in any street or part of a street in said city the said company shall have laid its said sewer pipe, and shall be ready to receive therein sewerage matter from the houses and public buildings on said street or part of a street, and to remove the same according to the system provided in this ordinance, and notice thereof shall have been given to the occupant of said building, or by advertisement in the official journal of the city, then and from thenceforth it shall be unlawful for any privy, water closet, slop sink, slop drain, urinal, or any other similar receptacle for sewerage matter or slops of any kind to be maintained on said premises except in connection with said sewerage pipes of the said system of sewerage hereby adopted during the said term of fifty years. Such connections shall be made without delay; and all vaults, sinks, cesspools, drains and similar receptacles theretofore existing, shall be properly emptied, disinfected and filled up with dry earth, river sand or similar substance, in such manner as the public health may require.

Unlawful to build privies,
Ib.

And when in any street said sewerage facilities shall have been provided as aforesaid by said company, it shall be unlawful from thenceforth to build any privy vault on any property abutting on such street, or to let or occupy any house on said street without proper water closet and slop sink arrangement for connection with said sewers; or to build on said street any house or

building without proper water closet and slop sink arrangements, and service pipes for connection with such sewers, during the term for which said system is hereby adopted.

ART. 2687. And any person committing any of the offences, or violating any of the provisions of this section, whether owner, agent of absent owner, lessee or other person, shall be fined in a sum not less than five nor more than twenty-five dollars; and if the said fine be not paid, shall be imprisoned for not less than five nor more than thirty days. Penalty.

ART. 2688. And each persistence in the violation of the provisions of the third paragraph of this section, for the space of twenty-four hours after notice, shall constitute a separate offence and violation of this ordinance, and shall be punished by another similar fine and imprisonment, and no punishment for one violation of this ordinance shall bar or prevent prosecution for another violation as herein defined. Separate offences.
Ib.

ART. 2689. (3) That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed. Repealing clause.
Ib.

Whereas, A. A. Woods and his associates, grantees and contractors, under Ordinance No. 6142, C. S., have, as provided in said ordinance and said contract, organized a company known as the New Orleans Sewerage Company, for the purpose of constructing and maintaining a system of sewerage for the city of New Orleans, under said ordinance, of the organization of which company notice has been formally given to this Council, and,

Whereas, Said New Orleans Sewerage Company has prepared and presented to this Council plans and specifications for the construction of a system of sewerage for the said city of New Orleans, substantially in compliance with the provisions of said ordinance, but containing some modifications and departures as detailed in said plans and specifications, from the exact language of said ordinance and the contract thereunder made before J. D. Taylor, notary public, on the 19th day of September, 1892.

Whereas, The said plans and specifications have been heretofore presented to the Louisiana State Board of Health and have received the full approval of the said Board;

Approving plans and specifications of New Orleans Sewerage Company.

Ord. No. 7861, C. S.

Aug. 1, 1893.

ART. 2690. (1) That the general system of sewerage set forth in said plans and specifications be and the same is hereby adopted, ratified and approved, as the system of sewerage to be constructed, maintained and operated in the city of New Orleans under the said Ordinance No. 6142, C. S., and under the contract as aforesaid made and entered into under said ordinance, and that all of the variations, changes and departures expressed and set forth in said plans and specifications from the language and terms of the said ordinance, and the said contract are hereby also adopted, approved and ratified and are hereby declared to be modifications of the said system provided for in sub-ordinance, made by mutual consent between the city of New Orleans and the said New Orleans Sewerage Company, as provided in said ordinance.

To be attested by Mayor and City Engineer.

ART. 2691. (2) That said plans and specifications shall be attested by the signatures of the Mayor and City Engineer, and shall be deposited and preserved in the archives of the city of New Orleans.

Bond.

ART. 2692. (3) That in accordance with the provisions of paragraph 10, section 1 of said Ordinance No. 6142, C. S., the said company shall have the right to begin construction of the said sewerage system under the plans and specifications aforesaid, as soon as they have furnished the city of New Orleans a bond in the penal sum of \$50,000, conditioned as the law directs for the faithful performance of the work called for, with sureties satisfactory to the Mayor.

Extension of time.
Ord. No. 8527, C. S.
Jan. 23, 1894.

ART. 2693. That an extension of two additional years be and the same is hereby granted to the New Orleans Sewerage Company, the assignee of A. A. Woods and his associates under Ordinance No. 6142, Council Series, within which to begin and to complete the sewerage system provided for in the said ordinance and the contract made in pursuance thereto.

SHELL ROADS—See CANALS, ETC.

STEAM ENGINES AND BOILERS.

ART. 2694. That it shall not be lawful to erect or establish within the city limits any forge, foundry or steam engine without special permission of the City Council.

Permission.
Ord. No. 5884,
C. S.
Dec. 29, 1891.

ART. 2695. (2) All buildings for forges and foundries must be constructed of brick or other incombustible materials within the fire limits.

Construction.
Ib.

ART. 2696. (3) All petitions for permission to erect any blacksmith shop, forge or steam engine shall be accompanied with the written consent of a majority of the property owners by the foot frontage within a radius of 300 feet of the place where permission is asked to erect such blacksmith shop, forge or steam engine.

Petitions.
Ib.

ART. 2697. (4) Whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed, provided that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days; provided further, that each day any blacksmith shop, forge, foundry, or steam engine shall be operated in contravention of this ordinance it shall be deemed a separate offence.

Penalty.
Ib.

ART. 2698. (5) That Ordinances Nos. 3176, O. S., 5581, O. S., and 5612, C. S., be and the same are hereby repealed.

Repealing cer-
tain ordi-
nances.
Ib.

ART. 2699. That on and after the passage of this ordinance all parties requiring steam plants having a capacity of over ten horse-power (10 H. P.) shall provide such plant with the necessary appliances to properly consume the smoke from said plant, the appliance adopted to be such as will consume not less than seventy-five per centum (75 per cent.) of the smoke.

Smoke con-
sumers.
Ord. No. 11,406,
C. S.
Oct. 1, 1895.

Existing steam plant to comply with ordinance. ART. 2700. That all steam plants now existing shall, within six months after the passage of this ordinance,

- 1b. proceed to make arrangements for the necessary appliance to consume not less than seventy-five per centum (75 per cent.) of the smoke, and they shall have the appliance in complete working order within twelve months after the passage of this ordinance.

Duty of City Engineer. ART. 2701. That, immediately on the passage of this

- 1b. ordinance, the City Engineer shall notify, in writing, all steam plants now in operation of the provisions of this ordinance, and shall take the necessary steps to enforce same. All appliances which are adopted for the consumption of smoke to be such as will be approved by the City Engineer.

Penalty.

- 1b. ART. 2702. That any parties now operating steam plants requiring a smoke consumer to conform to this ordinance, and who shall not place same within one year after the passage of this ordinance, shall be subject to a fine of twenty-five dollars (\$25) for each and every day that said plant is operated thereafter, without the appliance; said fine to be recoverable before any court of competent jurisdiction.

Repealing clause.

- 1b. ART. 2703. That any and all ordinances, or parts of ordinances, in conflict with the provisions of this ordinance be and the same are hereby repealed.

PRIVILEGES.

Ord. 2726. Arabian Disinfectant Company, 31 Bienville street. February 1, 1888.

Ord. 2772. Adams, O., 3 Carroll street, February 1, 1888.

Ord. 2981. Adams, Chas. H., 82-84 South Peters street, June 4, 1888.

Ord. 3009. Arny, Wm., 19 Canal street, June 21, 1888.

Ord. 3477. American White Lead Company, Tchoupitoulas. between Jackson and Philip, January 15, 1889.

Ord. 4307. Adolph, L. J. (2 H. P.), 221 St. Peters street, February 24, 1890.

Ord. 4450. American Manufacturing Company (25 H. P.). Howard and Julia street, April 26, 1890.

Ord. 4892. Altar, S. P., 104, 106 Magazine street, December 2, 1890.

Ord. 6018. Algiers Ice Company (200 H. P.). Pacific, Elmira Thayer and Peters, February 4, 1892.

Ord. 7217. American Bottling Company, 84 Bienville street. February 17, 1892.

- Ord. 8075. Adams, Frank (6 H. P.), 39 Chartres street, September 27, 1893.
- Ord. 8386. Ashman & Huddy (steam carousal), St. Charles avenue, opposite Audubon Park, December 5, 1893.
- Ord. 8480. Ashman, Mrs., & Huddy (steam carousal), Urquhart and Enghien, December 21, 1893.
- Ord. 9644. American Can Stamping Company, Ltd. (50 H. P.), 27 to 35 Elysian Fields street, September 7, 1894.
- Ord. 9662. Algiers Democrat Publishing Company (3½ H. P.), Patterson and Seguin, Fifth District, September 7, 1894.
- Ord. 10,425. American Manufacturing Company, Louisiana avenue and Saratoga street, March 13, 1895.
- Ord. 10,022. Arctic Refrigerating Company, Louisiana avenue, Dryades, Baronne and Toledano, December 3, 1894.
- Ord. 11,120. Alden Knitting Mills (30 H. P.), square bounded by Marigny, Decatur, Mandeville and Chartres streets, August 6, 1895.
- Ord. 11,506. Army, L. C (5 H. P.), 513 South Peters street, October 22, 1895.
- Ord. 2907. Bryan, Miles, Julia, Notre Dame, Water and Delta streets, April 6, 1888.
- Ord. 2923. Belden, Holden, 291, 293 Camp street, May 7, 1888.
- Ord. 3160. Brude, Albert E. (6 H. P.), 74, 76 St. Joseph street, August 18, 1888.
- Ord. 3223. Brudas, M (1 H. P.), Ursulines and Bourbon streets, October 2, 1888.
- Ord. 3257. Baldwin, Albert & Co., Limited (25 H. P.), 115, 117 Magazine street, October 13, 1888.
- Ord. 3886. Baldwin, Albert & Co., Limited (30 H. P.), Erato and Tchoupitoulas streets, August 3, 1889.
- Ord. 4096. Banner Pickle Company (8 H. P.), 144, 146 Conti street, November 13, 1889.
- Ord. 4449. Busch, Hy. (15 H. P.), 246 Common street, April 25, 1890.
- Ord. 4793. Baumgartner & Humpf (5 H. P.), Hagan avenue, between Bienville and Conti streets, October 10, 1890.
- Ord. 4813. Barkley, John & Co., St. Joseph, between Commerce and Peters, October 31, 1890.
- Ord. 5259. Brown, L. W., squares 8, 9, 13, 14, 15, 16, 23, 24, 25, 26, 33 and 34, bounded by the Mississippi river, Oliver, Broadway and Lowerline streets, April 28, 1891.
- Ord. 5934. Berry, L. and associates (15 H. P.), 253 St. Charles street, January 14, 1892.
- Ord. 6264. Brakenridge Lumber Company, Rocheblave, Miro and Venus streets and New Levee road, April 16, 1892.
- Ord. 6344. Bernard, Francis X., 9 Annunciation street, May 18, 1892.
- Ord. 6498. Buffalo Steam Dyeing Company (6 H. P.), 269 Chartres street, July 8, 1892.
- Ord. 8074. Boland & Geschwind (15 H. P.), 22, 24 Toulouse street, September 27, 1893.
- Ord. 9319. Boudraux, J. E. (12 H. P.), 97, 99 Julia street, June 7, 1894.

- Ord. 10,000. Bowers, F., & A. Weingarten, Props. Louisiana Glass and Mirror Works (10 H. P.), November 24, 1894.
- Ord. 10,144. Bierhorst, George F. (4 H. P.), N. Peters, between Fort and St. Ferdinand streets, January 2, 1895.
- Ord. 10,230. Barque Bros., Tonti and Laharpe streets, January 24, 1895.
- Ord. 2821. Capdau, Dutil, 225 Decatur street, March 3, 1888.
- Ord. 2883. Crescent City Moss Ginnery (15 H. P.), to remove from Tchoupitoulas to Richard and Annunciation streets, March 18, 1888.
- Ord. 3018. Curde, John, northwest corner Louisiana avenue and Chippewa street, June 27, 1888.
- Ord. 3083. Conway & Carter, 138 Julia street, July 20, 1888.
- Ord. 3154. Crescent City Brewery Company (300 H. P.), Canal and Claiborne streets, August 11, 1888.
- Ord. 3296. Carey, Robert (12 H. P.), Tchoupitoulas, between Julia and St. Joseph streets, November 1, 1888.
- Ord. 3437. Commercial Soap, Candle and Starch Manufacturing Company, Limited (40 H. P.), Peters and Delaronde, Forstall and Lizarde, December 26, 1888.
- Ord. 3510. Coleman, L. S. & Son (80 H. P.), Clio and Liberty streets, January 30, 1889.
- Ord. 4686. Cameron & Castles, 60-66 Tchoupitoulas street, August 27, 1890.
- Ord. 4843. Commercial Cooperage Company, Carondelet Walk and Miro street, November 10, 1890.
- Ord. 5031. Cogswell, F. R. (75 H. P.), 89 North Peters street, January 15, 1891.
- Ord. 5100. Cypress Moss Hair Company (25 H. P.), in building Atlantic Cotton Press, February 6, 1891.
- Ord. 5135. Crescent City Ice Company, Decatur, between Elysian Fields and Marigny streets, March 2, 1891.
- Ord. 5358. Carbolineum Wood and Preserving Company (15 H. P.), New Basin, between Johnson and Galvez streets, June 5, 1891.
- Ord. 5359. Commercial Cooperage Company (70 H. P.), Carondelet Walk, between Galvez and Miro streets, June 5, 1891.
- Ord. 5510. Coleman, H. D., Machinery Company, to remove to Clara, Willow, Clio and Erato streets, August 6, 1891.
- Ord. 6177. Consumers' Seltzer and Mineral Water Company (50 H. P.), 132 and 134 North Rampart street, March 30, 1892.
- Ord. 6405. Chalmette Steam Laundry, to Magazine and Lafayette streets, June 4, 1892.
- Ord. 6921. Cline, Jacob (6 H. P.), Laharpe, between Villere and Robertson streets, November 11, 1892.
- Ord. 7158. Chalmette Steam Laundry Company, Foucher and Lafayette streets, February 2, 1893.
- Ord. 7390. Coakley, Jas., Steam Laundry, Lafayette and Commerce streets, April 5, 1893.
- Ord. 7460. Conrad, Jas., Josephine and Magazine street, April 21, 1893.
- Ord. 7587. Carbolineum Wood Preserving and Manufacturing Company, Limited, to increase steam power, Johnson and Galvez streets, May 19, 1893.

- Ord. 8123. Century Cotton Company, St. James and Religious, streets, October 5, 1893.
- Ord. 8345. Carre, W. W., New Basin Shellroad, Clark, Hagan and Washington avenue, November 24, 1893.
- Ord. 8838. Creole Coffee Company (40 H. P.), 117 S. Peters street, March 19, 1894.
- Ord. 8915. City Lumber Company (50 H. P.), Julia, between Dolhonde and Broad streets, March 31, 1894.
- Ord. 9012. Cassagne & Eva (6 H. P.), Washington, between Galvez and Johnson streets, April 19, 1894.
- Ord. 9152. Crescent City Ice Company, Antoine and Tchoupitoulas streets, May 11, 1894.
- Ord. 9805. Clarke, J. J. (8 H. P.), Julia and Liberty, October 10, 1894.
- Ord. 9846. City Item Co-operative Printing Company, 72 Camp street, October 18, 1894.
- Ord. 10,061. Caddin, E. D. & Co. (4 H. P.), 4 Washington avenue, December 9, 1894.
- Ord. 2940. Dorsey, Bernard, removed from 136½ Chartres to 101 Royal street, May 15, 1888.
- Ord. 2959. Dodt & Gilbert, Montegut, between Marais and Urquhart streets, May 28, 1888.
- Ord. 3171. Dufour, Francis, removed from 229 Chartres to 280 Bourbon street, September 8, 1888.
- Ord. 3663. D'Auberteuil, A. J. (1 H. P.), 138 Chartres street, April 5, 1889.
- Ord. 3789. Delavigne, A., Jordan, between Peters and Royal streets, May 31, 1889.
- Ord. 4111. Dietmann, T. H. (20 H. P.), 29 and 31 Tchoupitoulas street, November 19, 1889.
- Ord. 4840. Dupuy, J. F., banks of Bayou St. John, beyond Bayou Bridge, November 10, 1890.
- Ord. 5469. Daniels, A. S. (15 H. P.), Patterson and Bartholomew streets, Fifth District, July 18, 1891.
- Ord. 5965. Durieu, Charles (500 H. P.), Gentilly Road and People's Canal, January 21, 1892.
- Ord. 6053. Dorfer & Sturm, 82 Baronne street, February 15, 1892.
- Ord. 6727. Dupuis Refining and Manufacturing Company, Upperline, between Robert street and Mississippi river, September 21, 1892.
- Ord. 7219. Dullirt, M. T., Elizardi and North Peters streets, February 17, 1893.
- Ord. 7242. Orleans Manufacturing and Lumber Company (extra pumps), Julia and Cypress streets, March 1, 1893.
- Ord. 7512. Dupuis, A., St. Peter and Orleans streets, May 4, 1893.
- Ord. 10,719. Davidson, G. W. & Co. (10 H. P.), 447 and 449 S. Peter street, May 17, 1895.
- Ord. 11,173. Dodt & Co. (150 H. P. engine and boiler, instead of 25 H. P.), in square bounded by Montegut, Marais, Feliciana and Urquhart streets, August 27, 1895.
- Ord. 11,362. Davidson, G. W. & Co. (one added boiler and engine), 347, 349 and 361 South Peters street, September 24, 1895.
- Ord. 2772. Estava, Dahnman, 56 South Peters street, February 21, 1888.

- Ord. 3238. Excelsior Canning and Packing Company (6 H. P.), 118, 120, 122 North Basin street, October 4, 1888.
- Ord. 3436. Erath, Chas. G. (7 H. P.), Kerlerec and Villere streets, December 22, 1888.
- Ord. 4206. Edwards & Haubtman (15 H. P.), 70 and 72 South Front street, January 9, 1890.
- Ord. 6146. Ellis, Ed. D. (50 H. P.), 232 Gravier street, March 25, 1892.
- Ord. 6343. Eaton, Hy., Hampton street, between Madison and Dublin, May 18, 1892.
- Ord. 7352. Ernst & Co., Magazine and Julia streets, March 30, 1893.
- Ord. 3087. Frank, Chas., Pleasant and Annunciation streets, July 23, 1888.
- Ord. 3222. Fabacher, Law. (4 H. P.), 104 Customhouse street, October 2, 1888.
- Ord. 3272. Fallen, Martin (2 H. P.), Sixth and Fulton streets, October 19, 1888.
- Ord. 3752. Flash, Preston & Co. (25 H. P.), Girod and Foucher streets, May 22, 1889.
- Ord. 3812. Fernandez, E. (6 H. P.), 299 Dumaine street, June 9, 1889.
- Ord. 4110. Frederico, Francisco (4 H. P.), 29 St. Philip street, November 19, 1889.
- Ord. 5034. Frye & Son, Wm. (60 H. P.), Tchoupitoulas street, between Leontine and Valmont, January 31, 1891.
- Ord. 5924. Fransonnier, Jules (3 H. P.), 144 Dauphine street, January 9, 1892.
- Ord. 7091. Fredericks, J. H. (5 H. P.), Louisiana avenue, between St. Denis and St. Patrick streets, January 11, 1893.
- Ord. 7897. Foschler & Sauer (20 H. P.), 43 Montegut street, August 3, 1893.
- Ord. 8914. Farmers' Consolidated Dairy Company, Limited, 392 St. Charles avenue, March 31, 1894.
- Ord. 2959. Gilbert & Dodd, Montegut, between Marais and Urquhart streets, May 28, 1888.
- Ord. 3724. Gulf Wire Mill Company (25 H. P.), St. Joseph and St. Peters streets, May 9, 1889.
- Ord. 4432. Good Intent Dry Dock, foot of Seguin street, April 19, 1890.
- Ord. 5413. Garnier, Emile (25 H. P.), Robertson, below St. Bernard and Annette streets, July 8, 1891.
- Ord. 6499. Graham, L. & Son, 44 and 46 Baronne street, July 8, 1892.
- Ord. 7353. Godchaux, Leon (40 H. P.), Canal and Chartres streets, March 30, 1893.
- Ord. 7749. Grunewald, Louis (40 H. P.), Baronne and Canal streets, June 28, 1893.
- Ord. 7828. Guetegsett, A., Fourth, between Claiborne and Clara streets, July 28, 1893.
- Ord. 8137. Ghisalbedi, J. B. (6 H. P.), Louisiana avenue and Dryades street, October 7, 1893.
- Ord. 8577. Goodspeed & Stauffer (50 H. P.), 171 and 175 Girod street, January 12, 1894.
- Ord. 9051. Glass, Vandegriff (4 H. P.), 197 Camp street, April 31, 1894.

- Ord. 9150. Grundy & Flannigan (6 H. P.), Clara, between Cal-
lopie and Howard streets, May 11, 1894.
- Ord. 9347. Guettgatt, A. (4 H. P.), Washington, below Willow
and Claiborne streets, July 5, 1894.
- Ord. 10,309. Giepart. Wm. (4 H. P.), Eliza, between Bouny
and Seguin streets, February 12, 1895.
- Ord. 10,873. Garlick J., Lafayette, between Carondelet and
Baronne streets, June 12, 1895.
- Ord. 10,894. Gillen, Luke (5 H. P.), Seguin and Eliza streets,
Fifth District, June 21, 1895.
- Ord. 3143. Haubtmann, Leon (27 H. P.), Washington, Howard,
Franklin and Sixth streets, Aug. 10, 1888.
- Ord. 3271. Harkney, D. A. (60 H. P.), Julia, between Howard
and Freret streets, October 19, 1888.
- Ord. 3763. Haspel & Davis (100 H. P.), 47 and 49 N. Peters
street, May 24, 1889.
- Ord. 4087. Hasam & Athens (50 H. P.), in premises occupied
by D. A. Harkney as planing mill, November
9, 1889.
- Ord. 4406. Hoffmann, Jno. (2 H. P.), Washington and Mag-
nolia streets, April 5, 1890.
- Ord. 3815. Hirsch, Philip. 33 and 34 N. Front street, Oct. 31,
1890.
- Ord. 5138. Hope, Ben. W. (50 H. P.), 60 Lafayette street,
March 3, 1891.
- Ord. 5386. Hoechstetter, Mrs. C. (6 H. P.), 146 Camp street,
June 16, 1891.
- Ord. 5562. Harrison, Geo. M. (30 H. P.), 93 and 95 Notre
Dame street, August 31, 1891.
- Ord. 5773. Hardonin, J. (6 H. P.), 178 Lapeyrouse street,
November 21, 1891.
- Ord. 5783. Hinze, Fred. & F. J. Hagsbette, 24 Girod street,
November 24, 1891.
- Ord. 5953. Harkney, D. & Associates (200 H. P.), Delord,
between Rampart and Dryades streets, Jan-
uary 16, 1892.
- Ord. 6497. Holden & Berry, 342 St. Charles street, July 8, 1892.
- Ord. 7398. Henderson, Wm., Julia, S. Peters, Notre Dame and
Commerce streets, April 5, 1893.
- Ord. 8078. Hirsch, Philip (10 H. P.), 97 Decatur street, Sep-
tember 27, 1893.
- Ord. 9045. Haller, H. Co., Ltd., Orange and Constance
streets, April 30, 1894.
- Ord. 9904. Hohsman, H. J. (4 H. P.), 121 Tchoupitoulas
street, November 2, 1894.
- Ord. 10,368. Hirn, Jos. 112 Royal street, February 20, 1895.
- Ord. 10,660. Heres, Jacinto (30 H. P.), 333, 335 Girod street,
May 7, 1895.
- Ord. 11,076. Herrmann & Lanata, Genois and Palmyra streets,
August 1, 1895.
- Ord. 11,170. Hart, E. J. & Co., boiler and engine, square
bounded by Poydras, Lafayette, Tchoupitoulas
and Constance streets, August 27, 1895.
- Ord. 11,550. Harris Bros., boiler and engine, 526, 533 Front
street, November 5, 1895.
- Ord. 6629. Irby, W. R. Co., Ltd., South Peters and Gravier
streets, September 1, 1892.
- Ord. 4844. Jackson Brewing Company, Clay and Jefferson,
Old Levee and St. Peter streets, November 10,
1890.

- Ord. 6962. Johnson & Crozier, South Basin and First streets, November 30, 1892.
- Ord. 7434. Jahncke, Fritz, to operate steam crusher at such localities as may be necessary, April 14, 1893.
- Ord. 10,683. Jacob & Mackel (10 H. P.), Carondelet Walk and Rendon streets, April 9, 1895.
- Ord. 11,520. Jackson Steam Laundry, Fourth and Waters streets, October 29, 1895.
- Ord. 2584. Killeen, Thos., Liberty, between Julia and Girod streets, November 18, 1887.
- Ord. 2681. Klapper, W. T., 14 Soraparu street, December 25, 1887.
- Ord. 3159. Keavney, Buckley & Co. (3 H. P.), 69 to 73 S. Liberty street, August 10, 1888.
- Ord. 3253. Kassel, Philip (8 H. P.), Dryades and Delord streets, October 13, 1888.
- Ord. 3511. Keff, Frederick (8 H. P.), Pauline, between Chartres and Royal streets, January 30, 1889.
- Ord. 4282. Krantz, John J. and others, 69 to 75 S. Front street, January 31, 1890.
- Ord. 4305. Klein, Jacob (4 H. P.), Bourbon and Orleans streets, February 24, 1890.
- Ord. 4687. Keff, Francis, Peters, Jeanny, Pauline and Chartres streets, August 27, 1890.
- Ord. 5772. Keith, Peter (6 H. P.), Terpsichore, Front, Tchoupitoulas and Robin streets, November 21, 1891.
- Ord. 7432. Kern Coffin Company, Limited, 93 to 104 Fulton street, April 14, 1893.
- Ord. 8582. Keiffer Bros. (30 H. P.), 98 Canal street, January 12, 1894.
- Ord. 8681. Kaiser, John S. (6 H. P.), Octavia, between Coliseum and Chestnut streets, February 1, 1894.
- Ord. 8837. Kellar, A. G. (20 H. P.), Valence and Tchoupitoulas, March 19, 1894.
- Ord. 10,225. Kellett, Geo. (2 H. P.) 407 Burgundy street, January 24, 1895.
- Ord. 10,744. Kearney, J. Watts & Son (25 H. P.), Poeyfarre, between Foucher and Annunciation, May 21, 1895.
- Ord. 10,987. Kelly & Grady (25 H. P.), 1133 Front street, July 9, 1895.
- Ord. 2584. Lyons, I. L., Camp and Common streets, November 18, 1887.
- Ord. 3017. Lyons, I. L., Camp and Gravier streets, June 26, 1888.
- Ord. 3151. Landry, Wilfred (4 H. P.), Soniat and Jersey streets, August 10, 1888.
- Ord. 3155. Lafayette Brewing Company (200 H. P.), Tchoupitoulas, Ninth, Harmony streets and river, August 13, 1888.
- Ord. 3224. Lucas, Narcisse A. (4 H. P.), Press and Morales streets, October 2, 1888.
- Ord. 4003. Louisiana Sugar Refining Company (200 H. P.), Customhouse, Wells, Crossman and Front streets, September 30, 1889.
- Ord. 4151. Louisiana Steam Sash, Blind and Door Factory, Roberts & Co. (2) (100 H. P.), Howard, Gravier streets and Tulane avenue, December 5, 1889.

- Ord. 4448. Louisiana Furniture Manufacturing Company (150 H. P.), Water, Bellecastle, Dufossat streets and river, April 24, 1890.
- Ord. 5055. Louisiana Tanning Company (40 H. P.), Carondelet Walk, Broad, White and Toulouse streets, January 30, 1891.
- Ord. 5163. Langhoff, E. (15 H. P.), 11 S. Front street, March 6, 1891.
- Ord. 5190. Lipscomb, A. H. (25 H. P.), 501 St. Andrew street, April 4, 1891.
- Ord. 5613. Louisiana Printing and Publishing Company (10 H. P.), 41 and 43 Natchez street, September 23, 1891.
- Ord. 5656. Langerman, John H. (50 H. P.), St. Ferdinand. Port, Urquhart and Girod streets, October 7, 1891.
- Ord. 6669. Lafayette Warehouse Company (80 H. P.), Julia and Foucher streets, September 7, 1892.
- Ord. 7330. Lacorte, E. J., St. Philip. Ursulines. Gayoso, Dupré and Oak streets, March 23, 1893.
- Ord. 8753. Lorenzan, Chris. (6 H. P.), Josephine and Howard streets, March 2, 1894.
- Ord. 10,000. Louisiana Glass and Mirror Works (10 H. P.), 54 and 56 Lafayette street, November 24, 1894.
- Ord. 11,430. Leathers & Garland (15 H. P., B. and E.), Julia and Rocheblave streets, October 8, 1895.
- Ord. 11,521. Louisiana Molasses Company (200 H. P., stationary engine and boiler), 412-418 St. Joseph street, October 29, 1895.
- Ord. 2584. Mitchell, R. B., 436 Delord street, November 18, 1887.
- Ord. 2907. Myles, Bryan, Julia, Notre Dame, Water and Delta streets, April 6, 1888.
- Ord. 3664. Muller, Fritz (20 H. P.), Customhouse and Derbigny streets, April 5, 1889.
- Ord. 4871. Munich, J. J., Joseph, Arabella, Tchoupitoulas and Levee streets, November 22, 1890.
- Ord. 4872. Morson & Eaches, 60 Lafayette street, November 22, 1890.
- Ord. 5042. Meyer, Fred., Octavia and Prytania streets, January 29, 1891.
- Ord. 5549. Mills Preserving Company (15 H. P.), St. Joseph and Commerce streets, August 31, 1891.
- Ord. 6745. Markel, James (8 H. P.), 550 Conti street, September 28, 1892.
- Ord. 6859. Moll, John G., Jr. (100 H. P.), New Levee, Water, Sixth and Seventh streets, October 29, 1892.
Amended by Ordinance 8311, November 16, 1893.
- Ord. 6950. Morson & Eaches, 90 Tchoupitoulas street, November 23, 1892.
- Ord. 7941. Mock, Charles (4 H. P.), Adams, between Macarthy and D'Armas streets, August 18, 1893.
- Ord. 8913. Masse, Louis (4 H. P.), 335 St. Louis street, March 31, 1894.
- Ord. 8962. Moales, E. M. (8 H. P.), Carondelet Walk, between Rocheblave and Dorgenois streets, April 5, 1894.
- Ord. 9866. Morere, F. & P. (15 H. P.), Canal avenue, Collapassa, Short and Fourteenth streets, October 26, 1894.

- Ord. 10,682. Meatre, Emile G. (15 H. P.), 517 Conti street, May 9, 1895.
- Ord. 10,369. Meyer, Herman (electric motor), 1131 Washington street, February 20, 1895.
- Ord. 3478. McAdam, M. J. (35 H. P.), Peters, N. Market, St. Joseph and Fulton streets, January 16, 1889.
- Ord. 3909. McGee (16 H. P.), Third, between Dublin and Madison, August 9, 1889.
- Ord. 4408. McClure & Redpath (20 H. P.), 22 St. Louis street, April 18, 1890.
- Ord. 6440. McEwen & Murray, Dublin avenue and New Canal, June 9, 1892.
- Ord. 11,580. McClure & Redpath (15 H. P. E. & B.), 523 and 525 Tchoupitoulas street, November 12, 1895.
- Ord. 2635. New Orleans Safe and Lock Company, 93 and 95 South Peters street, November 25, 1887.
- Ord. 3156. New Orleans Rice Milling Company (350 H. P.), Peters and Montegut streets, August 13, 1888.
- Ord. 3471. New Orleans Railway Supply and Manufacturing Company (6 H. P.), 94 Common street, January 12, 1889.
- Ord. 3803. Noblet, G. (4 H. P.), 99 Bourbon street, June 5, 1889.
- Ord. 5871. New York Steam Dye Works (15 H. P.), St. Charles and Girod streets, December 19, 1891.
- Ord. 6887. New York Steam Dye Works (20 H. P.), Olivier and Patterson streets, November 3, 1892.
- Ord. 7218. New Orleans Swamp Land Reclamation Company, Bayou St. John and St. Ann street, February 17, 1893.
- Ord. 7578. New Orleans Swamp Land Reclamation Company, Bayou St. John and St. Ann street, May 19, 1893.
- Ord. 9395. New Basin Manufacturing Company, Limited (40 H. P.), Julia, between Prieur and Johnson, July 9, 1894.
- Ord. 2584. O'Conner & Reynolds, 103, 105 and 107 Julia street, November 18, 1887.
- Ord. 5121. Oberling, Louis (15 H. P.), 151 North Peters street, February 28, 1891.
- Ord. 5599. O'Reilly, P. J., Wharf, between Canal and St. Louis, September 16, 1891.
- Ord. 5954. Ong, D. M. (200 H. P.), Press, Montegut, Villere and Robertson streets, January 16, 1892.
- Ord. 9531. O'Reilly, P. J., Levee, between Canal and St. Louis streets, August 9, 1894.
- Ord. 10,816. O'Reilly, P. J., upon the incline or apron of the steamboat wharf, between Canal and St. Louis streets, June 7, 1895.
- Ord. 3157. Pablo, T. (4 H. P.), 200 Elysian Fields street, August 13, 1888.
- Ord. 3374. Perrilliat, Chas. (30 H. P.), Julia, St. Joseph, Fulton and Peters streets, December 1, 1888.
- Ord. 4446. Purves, John T. (15 H. P.), 134 North Rampart street, April 24, 1890.
- Ord. 6272. Pelican Soap Manufacturing Company (50 H. P.), Decatur, between Port and Enghien streets, April 16, 1892.
- Ord. 10,932. Peter & Gras, 727 Bienville street, June 26, 1895.

- Ord. 11,519. Peabody, B. H., steam engine on batture property, Broadway and Magazine streets, October 29, 1895.
- Ord. 4151. Roberts & Co, Louisiana Steam Sash, Blind and Door Factory, two (100 H. P.), Howard, Gravier and Tulane avenue, December 5, 1889.
- Ord. 4158. Rugers & Kearns, Steam Vinegar Factory, Orange, between Tchoupitoulas and Peters streets. December 14, 1889.
- Ord. 5269. Riggs, E. A. (40 H. P.), 260 Perdido street, April 30, 1891.
- Ord. 5326. Reichert, William (4 H. P.), Gasquet and Howard streets, May 30, 1891.
- Ord. 6633. Roder, Frank, First, Water, Tchoupitoulas and Soraparu streets, September 1, 1892.
- Ord. 6893. Rosetta Gravel, Paving and Improvement Company, engines for purpose of obtaining of water to sprinkle streets, November 3, 1892.
- Ord. 8053. Rugers, Chas. W., Marigny and North Peters streets, September 7, 1893.
- Ord. 10,147. Rabito, A. (5 H. P.), Dryades, between Poydras and Lafayette streets, January 2, 1895.
- Ord. 10,228. Rohn, Jacob (6 H. P.), St. David and Toledano streets, January 24, 1895.
- Ord. 2587. Seidet Bros., 754 First street, November 11, 1887.
- Ord. 2951. Searcy, D. T., 127 Gravier street, May 21, 1888.
- Ord. 2960. Sanchez, George and Albert, 38 Pearl street, May 28, 1888.
- Ord. 2961. Shadwell & Wilson, Montegut and St. Claude streets, May 28, 1888.
- Ord. 2978. Sharpe, E., 616 Dauphine street, June 4, 1888.
- Ord. 3086. Searcy, D. J., 77 Carondelet street, June 19, 1888.
- Ord. 3104. Schwartz, Moses (4 H. P.), 292-300 Magazine street, July 27, 1888.
- Ord. 3140. Sampson, T. H. (40 H. P.), Mississippi river, between Bordeaux and Lyon, August 10, 1888.
- Ord. 3147. Schofield, Hy. (100 H. P.), 62 Lafayette street, August 10, 1888.
- Ord. 3153. Schroeder, J. (6 H. P.), 17 St. Ferdinand street, August 11, 1888.
- Ord. 3206. Seibel Bros., 32 and 34 Barracks street, September 28, 1888.
- Ord. 3255. Souber, J. T. (3 H. P.), Harmony and Chippewa streets, October 13, 1888.
- Ord. 3493. Smith (10 H. P.), Orange, between Tchoupitoulas and Peters streets, January 24, 1889.
- Ord. 3932. Standard Planing Mill and Manufacturing Co. (80 H. P.), at site occupied by J. C. Malone Sash Factory, August 30, 1889.
- Ord. 4121. Slattery Bros. (40 H. P.), 104 Gravier street, November 20, 1889.
- Ord. 4307. Sorata, A. (200 H. P.), Old Levee, Clay, Toulouse and Jefferson streets, February 24, 1890.
- Ord. 4814. Sandys, R. M., 63 Girod street, October 31, 1890.
- Ord. 4818. Swan, Louis, Claiborne, Frenchmen, Union and Robertson streets, November 3, 1890.
- Ord. 4842. Schlieder, Edw. G., 70 to 80 Conti street, November 10, 1890.
- Ord. 4852. Southern Vinegar Co., removed from 134 N. Basin to 156 Toulouse street, November 22, 1890.

- Ord. 5272. Southern Wood Manufacturing Co., head of Lyons street, May 1, 1891.
- Ord. 5367. Schmid, Jos. (16 H. P.), Dufossat, Tchoupitoulas, Front and Bellecastle streets, June 12, 1891.
- Ord. 5786. Scott, W. P. (30 H. P.), 86 Tchoupitoulas street, June 12, 1891.
- Ord. 6168. Schmitter, Adam (2 H. P.), 51 North Market street, March 26, 1892.
- Ord. 6385. Stakelum & Stokes. (10 H. P.), 102-104 St. Joseph street, May 26, 1892.
- Ord. 6949. Scott, W. P. (30 H. P.), 60 Lafayette street, November 23, 1892.
- Ord. 7114. Southern University, Mechanical and Agricultural College, Magazine, between Soniat and Dufossat streets, January 19, 1893.
- Ord. 7729. Smith, W. G. (2 H. P.), 835 Magazine street, June 15, 1893.
- Ord. 3748. Sullivan, T. J. (80 H. P.), Batture front, corner Washington and Napoleon avenues, May 21, 1887.
- Ord. 8208. Schmidt & Zeigler (14 H. P.), 67 Fulton street, October 24, 1893.
- Ord. 8581. Semmes & Parker (100 H. P.), St. Thomas, Erato, Thalia and Tchoupitoulas streets, January 12, 1894.
- Ord. 8889. Smith, G. W. H. & Co. (10 H. P.), Claiborne and Spain, March 27, 1894.
- Ord. 10,576. St. Charles Street Railroad Company (750 H. P.), Marigny, Mandeville, Decatur and North Peter streets, April 11, 1895.
- Ord. 11,561. Stakelum, P. J., boiler and engine, Poeyfarre and Annunciation streets, November 5, 1895.
- Ord. 11,643. Schmidt, R. R. (32 H. P.), boiler and engine, Tchoupitoulas and Lafayette streets, December 3, 1895.
- Ord. 2726. The Arab. Disinfecting Company, 31 Bienville street, February 1, 1888.
- Ord. 3141. They, George (8 H. P.), 84 and 86 North Peters street, August 10, 1888.
- Ord. 3432. Toledano, A., St. Charles avenue and Third street, December 22, 1888.
- Ord. 3813. Trist & Co. (generator), 14 Conti street, June 8, 1889.
- Ord. 3924. Theard, S. L. (6 H. P.), Gentilly Road, below Fair Grounds, August 15, 1889.
- Ord. 5121. Tujaque, Louis (3 H. P.), 42½ Dumaine street, February 28, 1891.
- Ord. 5365. Tuft, Alf., & T. D. Connell (50 H. P.), 72 to 78 Villere street, Fifth District, June 11, 1891.
- Ord. 8290. Tropical Fibre Company, 88 Rousseau street, November 16, 1893.
- Ord. 9399. Thompson, Theo. J. (100 H. P.), 12 and 14 Marigny street, July 9, 1894.
- Ord. 10,022. Touro Infirmary (45 H. P.), Prytania, Coliseum, Foucher and Aline streets, December 3, 1894.
- Ord. 9094. Thomas, Alex. (4 H. P.), 40 Marais street, May 4, 1894.
- Ord. 11,507. Tankersley, Mrs. J. (small engine), Jackson, between Magnolia and Clara streets, October 22, 1895.

- Ord. 4088. Ursuline Nuns (10 H. P.), Mathilda, Jourdan, Levee and Dauphine streets, November 11, 1889.
- Ord. 11,595. Union Coal Company (5 H. P. boiler and engine), Louisiana avenue and Rampart streets, November 19, 1895.
- Ord. 3438. Voorhies, E. (4 H. P.), Toulouse, between Rampart and Burgundy streets, December 7, 1888.
- Ord. 3815. Vallette, Frank A. (2 H. P.), Patterson, between Vallette and Olivier streets, June 14, 1889.
- Ord. 8073. Wigginton, W. E. (15 H. P.), 91 Fulton and 101 South Peters streets, September 27, 1892.
- Ord. 2684. Wetzel, A., Marengo and Jersey streets, January 6, 1888.
- Ord. 2772. Wetzel, A., Jersey, Marengo, Laurel and Constantinople streets, February 21, 1888.
- Ord. 2961. Wilson & Shadwell, Montegut and St. Claude streets, May 28, 1888.
- Ord. 3039. Weckerling Brewing Company (150 H. P.), Magazine and Delord streets, July 7, 1888.
- Ord. 3495. Wackerbarth & Joseph (20 H. P.), 93 and 95 Julia street, January 28, 1889.
- Ord. 3499. Weiss, Joseph (6 H. P.), First and Magnolia streets, January 25, 1889.
- Ord. 3994. Wigginton, Wm. C. (8 H. P.), 22 St. Louis street, September 27, 1889.
- Ord. 4307. Woddy, N. A. (10 H. P.), 26 St. Louis street, February 24, 1890.
- Ord. 7433. Wulgo, C. (4 H. P.), Magazine and Valmont streets, April 14, 1893.
- Ord. 7742. Wards, John, Sons & Co. (20 H. P.), Freret and Cypress streets, June 28, 1893.
- Ord. 9307. Wogan & Bro. (200 H. P.), Decatur and Port streets, June 7, 1894.
- Ord. 9527. Walker & Randolph (2 H. P.), 268 St. Charles avenue, August 9, 1894.
- Ord. 11,460. White Swan Laundry Steam Power, etc., 1114 Freret street, October 15, 1895.
- Ord. 3008. Zinger, Win., Roberts, between Jersey and Tchoupitoulas streets, June 21, 1888.
- Ord. 5098. Young Men's Gymnastic Club (35 H. P.), Rampart and Customhouse streets, February 6, 1891.
- Ord. 6198. Young & Frye (5 H. P.), 38 St. Andrew street, March 31, 1892.
- Ord. 6582. Zuberbier & Behan, 17 and 19 South Peters street, and 15 and 17 Fulton street, August 5, 1892.
- Ord. 7795. Zengel, J. W., 1706 Tchoupitoulas street, July 7, 1893.
- Ord. 7995. Yazoo & Mississippi Valley Railroad Company, Howard, Freret, Perdido and Poydras streets, September 1, 1893.
- Ord. 2910. Young Men's Gymnastic Club, to enlarge steam plant, Rampart, Burgundy, Bienville and Customhouse streets, March 31, 1894.
- Ord. 11, 425. Young Men's Christian Association (50 H. P.), St. Charles avenue, between Julia and St. Joseph streets, October 8, 1895.

STREETS, SIDEWALKS & GUTTERS.

See OFFENCE.

Regulating
placing of
names of
streets.

That street names shall be placed at all intersections. The naming of streets to be started in the commercial

Ord. No. 7903, portion of the city, and to be extended until all streets in the inhabited portion of the city are provided with

C. S.
Aug. 1, 1893. names, the placing of the names to be done at the rate of not less than one (100) hundred intersections per year.

The furnishing and placing of names to be let by the city of New Orleans by contract, the City Council to select and adopt the style of the names to be used. The placing of names to be done according to specifications on file in the office of the City Engineer.

ART. 2704. That the placing of these names is not to be done until such time as the City Council has arranged for the renaming of such streets as now have duplicate names.

Repealing
clause.

ART. 2705. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed.

Destroying street signs, see offences.

Ordinance No. 7622, C. S., authorizes advertisement for bids for plates for street names at intersections.

Ordinance No. 8618 accepts bill of Burke & Cotten under Ordinance No. 7622, C. S.

Change of
names.

Ord. No. 9411,
C. S.
July 3, 1894.
Alabo.

ART. 2706. That the sixth (6th) street above the United States Barracks, and extending from the river to Ne Plus Ultra street, in the Third District, which is now known as Adams street, shall be hereafter known as Alabo street.

Alexander.

That the third (3d) street toward the swamp from Carrollton avenue, and extending from the New Canal to the Metairie road, in the First and Second Districts, now known as Alexander street, shall be hereafter known as South Alexander street, and from the New Canal to Metairie road shall be hereafter known as North Alexander street.

Kentucky.

That the third (3d) street above the Convent of the Ursulines, from the river to Metairie road in the Third

District, now known as Alexander street, shall be hereafter known as Kentucky street.

That the first (1st) street on the lake side of Claiborne street, which is now known as Bartholomew street, which street is the prolongation of Derbigny street, and extending from Upperline, Jefferson City, to Calhoun street, shall hereafter be known as South Derbigny street. Derbigny.

That the short street below Seguin street, extending from the river to Eliza street, in the Fifth District, and now known as Bartholomew street, shall hereafter be known as Bermuda street. Bermuda.

That the seventh street (7th) on the lake side of Carrollton avenue, extending from the New Basin to Metairie road, and known as Bernadotte street, shall hereafter be known as North Bernadotte street, between Canal street and Metairie road; and South Bernadotte street, between Canal street and the New Basin. Bernadotte.

That the continuation of Upperline street, from Twelfth street to North Line street, which is now known as Bernadotte street, shall hereafter be known as Protection street. Protection.

That the third street west of the Southern Pacific Railroad, leading from the river to the parish line, Fifth District, now known as Canal avenue, be and the same shall hereafter be known as Whitney avenue. Whitney ave.

That the second street above the Audubon Park, extending from the river to the woods, and known as Chestnut or Audubon street, be and the same shall hereafter be known as Audubon street. Audubon.

That the fifth street west of the Southern Pacific Railroad, extending from the river to the woods, Fifth District, and now known as Chestnut street, be and the same shall hereafter be known as Belleville street. Belleville.

That the second street north of Metairie road, leading from the City Park to Bayou St. John, Second District, and now known as Clay street, be and the same shall hereafter be known as Emmett street. Emmett.

That the twelfth street northwest of and parallel to Carrollton avenue, extending from Upperline to North Cherry.

Line street, Seventh District, and now known as Clay street, be and the same shall hereafter be known as Cherry street.

Cherokee. That the sixth street S. E. of and parallel with Carrollton avenue, extending from the river to Lowerline street, Seventh District, and now known as Clinton street, be and the same shall hereafter be known as Cherokee street.

Panola. That the fifteenth street north of and parallel to First street, extending from Lowerline to Upperline street, Seventh District, and now known as Cypress street, be and the same shall hereafter be known as Panola street. (Which is the name of the extension of this street in Jefferson.)

Mississippi. That the fourth street southwest of and parallel to St. Charles avenue, from Lowerline to Burdette street, Seventh District, and now known as DeArmas street, be and the same shall hereafter be known as Mississippi street.

Diana. That the fourth street south of Market street, extending from the river to the woods, Fifth District, and now known as Decatur street, be and the same shall hereafter be known as Diana street.

Douglas. That the third street north of the river, and extending from Adams street to the United States Hospital, Third District, and now known as Delaronde street, be and the same shall hereafter be known as Douglas street.

N. Dorgenois. That the first street east of Broad street, extending from Canal street to lower limits, and now known as North Dolhonde street, be and the same shall hereafter be known as North Dorgenois street.

S. Dorgenois. That the first street east of Broad street, extending from Canal street, First District, to Napoleon avenue, Sixth District, and now known as South Dolhonde street, be and the same shall hereafter be known as South Dorgenois street.

S. Franklin. That the fifteenth street west of the river, extending from Canal street, First District, to the lower line of the Foucher tract, Sixth District, now known as Franklin

street, and formerly St. David street, shall hereafter be known as South Franklin street.

That the fifteenth street west of the river, extending from Canal street to Carondelet Walk, Second District, now known as Franklin street, be and the same shall hereafter be known as North Franklin street. N. Franklin.

That the fourth street east of the river, extending from Market street to the woods, Fifth District, and now known as Franklin street, be and the same shall hereafter be known as Nuntz street. Nuntz.

That the tenth street north of City Park, extending from Bayou St. John to Milne street, Second District, and now known as Gaines street, be and the same shall hereafter be known as Germain street. Germain.

That the fifteenth street, north of St. Charles avenue, extending from Walnut to Lowerline street, Sixth District, and now known as Gayoso street, be and the same shall hereafter be known as General Lee street. General Lee.

That the seventh street north of St. Charles avenue, extending from Toledano to Calhoun streets, and now known as Green street, be and the same shall hereafter be known as South Liberty street. South Liberty street will extend from Canal street to Toledano street, in the Sixth District. S. Liberty.

That the fifth street east of the river, extending from DeArmas street to the woods, Fifth District, and now known as Hancock street, be and the same shall hereafter be known as Hermosa street. Hermosa

That the fourth street south of Felicity road, extending from the river until it intersects with the tailrace of the Melpomene Canal, Fourth District, and now known in part as Jackson avenue and Jackson street, be and the same shall hereafter be known as Jackson avenue. Jackson ave.

That the wide avenue in the rear of the Second District, extending from Milne street to Bayou St. John, and now known as Jackson avenue, now Van Buren avenue, be and the same shall hereafter be known as Chalmette avenue. Chalmette.

That the seventh street N. W. of Carrollton avenue

General Ogden. extending from the river to the New Canal, and now known as Jackson street, be and the same shall hereafter be known as General Ogden street, and will extend from the river to Canal street.

River. That the first street east of the river, extending from Market street to the woods, Fifth District, and now known as Jefferson street, be and the same shall hereafter be known as River street.

Joliet. That the sixth street N. W. of and parallel to Carrollton avenue, extending from the river to the woods, Seventh District, and now known as Jefferson street, be and the same shall hereafter be known as Joliet street.

Japonica. That the twenty-first street east of Lafayette avenue, extending from the river to the woods, Third District, and now known as Josephine street, be and the same shall hereafter be known as Japonica street.

Pontalba. That the first street north of the river, and extending from Decatur street to the United States Hospital, Third District, and now known as Jumonville street, be and the same shall hereafter be known as Pontalba street.

Lamarque. That the sixth street south of Market street, extending from the river to the woods, Fifth District, now known as Lapeyrouse street, be and the same shall hereafter be known as Lamarque street.

Dante. That the second street northwest of and parallel with Carrollton avenue, extending from the river to the parish boundary, Seventh street, now known as Madison street, be and the same shall hereafter be known as Dante street.

Brooklyn ave. That the second street east of the river, extending from the river to the woods, Fifth District, now known as Madison street, be and the same shall hereafter be known as Brooklyn avenue.

Meadow. That the fifth street north of the river, extending from Walnut street to Lowerline street, Sixth District, now known as Market street, be and the same shall hereafter be known as Meadow street.

Opelousas ave. That the third street south of Patterson street, extending from the river to the woods, Fifth District, and now

known as Market street, be and the same shall hereafter be known as Opelousas avenue.

That the two streets, extending on either side of the N. and S. Diamond, St. Mary's Market, extending from Tchoupitoulas street to the river, First District, and known as North and South Market streets, be and the same shall hereafter be known as North and South Diamond street.

That the fourth street west of the U. S. Barracks, extending from the river to the woods, and now known as Monroe street, in the Third District, be and the same shall hereafter be known as Tupelo street.

That the third street east of the river extending from Market street to the limits, Fifth District, and now known as Monroe street, be and the same shall hereafter be known as Teche street.

That the ninth street west of Hagan avenue, extending from Canal street to New Basin Canal, First District, and now known as Napoleon street, be and the same shall hereafter be known as South Hennessey street.

That the ninth street west of Hagan avenue, extending from Canal street to Metairie Ridge, Second District, and now known as Napoleon street, be and the same shall hereafter be known as North Hennessey street.

That the second street north of the Fair Grounds, extending from Bayou St. John to St. Bernard avenue, Second District, and now known as Nelson street, be and the same shall hereafter be known as Serantine street.

That the sixth street north of St. Charles avenue, extending from Walnut street to Lowerline street, Sixth District, and now known as Oaks street, be and the same shall hereafter be known as Oaks street, and this street will extend from the upper line of the Foucher tract in the Sixth District to the upper protection levee in the Seventh District, and the continuation of this street from Lowerline street to the upper protection levee, which is now known as Fourth street, will hereafter be known as Oaks street.

That the triangular street extending from Orleans to Broad street, in the rear of the Second District, and now

known as Oak street, be and the same shall hereafter be known as Orchid street.

Clyde. That the first street south of Market, extending from Bouny to Moss street, Fifth District, and now known as Octavia street, be and the same shall hereafter be known as Clyde street.

General Hood. That the first street toward the river from Wall street, extending from Audubon Park to the river, Seventh District, now known as Oliver street, be and the same shall hereafter be known as General Hood street.

Pelican ave. That the second street south of Canal street ferry landing, extending from the river to Sumner street, Fifth District, and now known as Peter street, be and the same shall hereafter be known as Pelican avenue.

Eve. That the first street southwest of Melpomene street, extending from Hagan avenue to Broad street, now known as Terpsichore street, be and the same shall hereafter be known as Eve street.

Eden. That the second street southwest of Melpomene street, extending from Hagan avenue to Broad street, and now known as Euterpe street, be and the same shall hereafter be known as Eden street.

Elba. That the third street southwest of Melpomene street, extending from Hagan avenue to Broad street, and now known as Polymnia street, be and the same shall hereafter be known as Elba street.

Elk. That the fourth street southwest of Melpomene street, extending from Hagan avenue to Broad street, and now known as Urania street, be and the same shall hereafter be known as Elk street.

Vincent. That the fifth street southwest of Melpomene street, extending from Hagan avenue to Broad street, and now known as Gasquet street, be and the same shall hereafter be known as Vincent street.

Moss. That the street paralleling the Bayou St. John, extending from Carondelet Walk to Esplanade street, Second District, and now known as Port street, be and the same shall hereafter be known as Moss street.

Selma. That the second street north of Monroe avenue, extending from People's avenue to Bayou St. John, Third

District, and now known as Socrates street, be and the same shall hereafter be known as Selma.

That the eighth street south of and parallel with Monroe avenue, extending from Bayou St. John to People's avenue, Third District, and now known as Solon street, be and the same shall hereafter be known as Senate street. Senate.

That the second street east of Elysian Fields street, extending from the junction of Royal and Kerlerec street to the lake, Third District, and now known as Union street, be and the same shall hereafter be known as Touro street. Touro.

That the street adjacent to the upper protection levee, extending from the river to North Line street, Seventh District, now known as Upperline street, be and the same shall hereafter be known as Protection street. Protection.

That the fourth street east of Elysian Fields street, extending from Decatur street to the lake, Third District, and now known as Washington street, be and the same shall hereafter be known as St. Roche avenue. St. Roche ave.

That the first street east of Esplanade street, extending from Broad street to the Bayou St. John, Second and Third Districts, and now known as Washington street, be and the same shall hereafter be known as Roquette street. Roquette.

That the first street north of St. Charles avenue, extending from Walnut to Lowerline street, Sixth District, and now known as Washington street, be and the same shall hereafter be known as Hampson street, this street being the continuation of an existing street now known as Hampson street. Hampson.

That the fifth street west of the Morgan's Louisiana & Texas Railroad, extending from the river to the woods, Fifth District, now known as Washington street, be and the same shall hereafter be known as Wagner street. Wagner.

That the second street southeast of and parallel with Carrollton avenue, Seventh District, extending from the river to the New Basin Canal, and now known as Washington street, be and the same shall hereafter be known as Fern street. Fern.

St. Charles avenue. That the continuation of St. Charles avenue from Carrollton avenue to the river, Seventh District, now officially known as First street, be and the same shall hereafter be known as St. Charles avenue.

Maple. That the street between Hampson and Burthe streets, extending from the river to Foucher street, Seventh District, now known as Second street, be and the same shall hereafter be known as Maple street.

Elm. That the street between Burthe and Zimple streets, Seventh District, extending from the river to the Foucher tract, now known as Third street, be and the same shall hereafter be known as Elm street.

Oaks. That the street between Zimple and Plum streets, Seventh District, extending from the upper protection levee to Lowerline street, now known as Fourth street, be and the same shall hereafter be known as Oaks street, and this street will extend from the upper protection levee to Foucher street.

Poplar. That the street between Plum and Jeanette streets, Seventh District, extending from the upper protection levee to Lowerline street, now known as Fifth street, and the continuation of this street from Lowerline street to the upper boundary of the Foucher tract, now known as Warren street, be and the same shall hereafter be known as Poplar street.

Birch. That the street between Jeanette and Green streets, Seventh District, extending from the upper protection levee to Lowerline street, now known as Sixth street, and the continuation of this street from Lowerline street to the upper boundary of the Foucher tract, now known as Wandorf street, be and the same shall hereafter be known as Birch street.

Hickory. That the street between Green and Cohen streets, Seventh District, extending from the upper protection levee to Lowerline street, now known as Seventh street, and the continuation of this street from Lowerline street to the upper boundary of the Foucher tract, now known as Sauve street, be and the same shall hereafter be known as Hickory street.

That the street between Cohn and Cypress streets,

Seventh District, extending from the upper protection levee to Lowerline street, now known as Eighth street, and the continuation of this street from Lowerline street to the upper boundary of the Foucher tract, now known as Miro street, be and the same shall hereafter be known as Spruce street.

Spruce.

That the street between Cypress and Napoleon street, Seventh District, extending from the upper protection levee to Lowerline street, be now known as Sycamore street.

Sycamore.

That the fifth street north of Claiborne street, extending from St. Bernard avenue to lower limits of city, Third District, now known as Genius street, be and the same shall hereafter be known as Grant street.

Grant.

That the first street east of Franklin avenue, extending from Lafayette avenue to the lake, Third District, and now known as Hunters street, be and the same shall hereafter be known as Ead streets.

Eads.

That the short street on the prolongation of Camp street, extending from Felicity road to its intersection with Magazine street at St. Andrew street, and now known as Old Camp street, be and the same shall hereafter be known as Camp Place.

Camp Place.

That the short street on the prolongation of Magazine street, extending from Felicity road to St. Mary street, and now known as Old Magazine street, be and the same shall hereafter be known as Magazine Place.

Magazine Place.

That all streets bearing the same name which cross Canal street have prefixed to their names the words North and South, the street on the south or upper side of Canal street to have the word South prefixed, and those on the lower or north side of Canal street to have the word North prefixed before the name.

Prefixes North and South.

That the continuation of South Rampart street, from Harmony to State street, formerly St. Denis street, be and the same shall hereafter be known as South Rampart street.

S. Rampart.

That the continuation of Franklin street, from Felicity road to the lower line of the Foucher tract, and formerly St. David street, be and the same shall hereafter be known as South Franklin street.

S. Franklin.

- S. Liberty. That the continuation of South Liberty street, from Toledano street to the lower line of the Foucher tract, and now known as Green street, be and the same shall hereafter be known as South Liberty street.
- Howard. That the continuation of Howard street, from Toledano street to the lower line of the Foucher tract, and now known as St. George street, be and the same shall hereafter be known as Howard street.
- Freret. That the continuation of Freret street, from Peters avenue to the lower line of the Foucher tract, and now known as Long street, be and the same shall hereafter be known as Freret street.
- Magnolia. That the continuation of Magnolia street, from Peters avenue to Audubon Park, and now known as Victor street, be and the same shall hereafter be known as Magnolia street.
- Clara. That the continuation of Clara street, from Peters avenue to the lower line of the Foucher tract, and now known as Leonie street, be and the same shall hereafter be known as Clara street.
- Willow. That the continuation of Willow street, from Peters avenue to the lower line of the Foucher tract, and now known as Henry street, be and the same shall hereafter be known as Willow street.
- Morgan. That Villere street, in the Fifth District, shall hereafter be known as Morgan street.
- Appollonia. That Architect street, in the Seventh District, be and the same shall hereafter be known as Appollonia.
- Saratoga. That Basin street, now South Basin street, in the First and Fourth Districts, from Calliope to Toledano street, and formerly known as White street from Calliope street to Felicity street, be and the same shall hereafter be known as Saratoga street.
- Saratoga. That St. Patrick street, Sixth District, from Toledano street to the lower limits of the Foucher tract, the continuation of South Basin street, be and the same shall hereafter be known as Saratoga street.
- Kent. That Church street, Fifth District, be and the same shall hereafter be known as Kent street.

That Dryden street, Third District, be and the same shall hereafter be known as Dinsmore street. Dinsmore,

That Calhoun street, Sixth District, extending from St. Charles street to the woods, sometimes called Edmund street, be and the same shall hereafter be known as Calhoun street. Calhoun.

That Elysian Fields street, Third District, be and the same shall hereafter be known as Elysian Fields avenue. Elysian Fields avenue.

That Foucher street, First District, commencing at Poydras street, be and the same shall hereafter be known as Constance street. Constance.

That Hospital street, Second District, now extending from the river to Rampart street, be extended to Claiborne street and thence to the lake. Hospital.

That Bayou road, First District, from Rampart street to Claiborne street, be and the same shall hereafter be known as Hospital street; Bayou road to begin at Claiborne street. Hospital, Bayou Road.

That Jackson street, Fifth District, be and the same shall hereafter be known as Slidell avenue. Slidell ave.

That Jeanna street, Third District, be and the same shall hereafter be known as Alvar street. Alvar.

That Boudousquie street, Jeannette, Sixth District, be and the same shall hereafter be known as Garfield street. Garfield.

That Leonidas street, Third District, be and the same shall hereafter be known as Lombard street. Lombard.

That Livingston street, Third District, be and the same shall hereafter be known as Mandolin street. Mandolin.

That Martin street, First District, be and the same shall hereafter be known as Willow street. Willow.

That Milton street, Seventh District, be and the same shall hereafter be known as Meteor street. Meteor.

That Monroe avenue, Second District, first street in rear of City Park, be and the same shall hereafter be known as Mound avenue. Mound ave.

That Pearl street, First District, be and the same shall hereafter be known as Poe street. Poe.

That Philip street, Second District, be and the same shall hereafter be known as Mermet street. Mermet.

- Dubreuil.** That Petre street, Third District, be and the same shall hereafter be known as Dubreuil street.
- Home.** That Pope street, Third District, be and the same shall hereafter be known as Home street.
- Rosalind.** That Possini street, Third District, be and the same shall hereafter be known as Rosalind street.
- S. Hagan avenue.** That St. John avenue, First, Fourth and Sixth Districts, be and the same shall hereafter be known as South Hagan avenue.
- Safrano.** That Solomon street, Third District, be and the same shall hereafter be known as Safrano street.
- Ursulines ave.** That Ursulines street, Second District, from Claiborne street to Bayou St. John, be and the same shall hereafter be known as Ursulines avenue.
- Bienville ave.** That Bienville street, Second District, from Claiborne street to Metairie road, be and the same shall hereafter be known as Bienville avenue.
- Sumpter.** That Virginus street, Third District, be and the same shall hereafter be known as Sumpter street.
- Mobile.** That Tenth street, Seventh District, be, and the same shall hereafter be known as Mobile street.
- Apple.** That Eleventh street, Seventh District, be and the same shall hereafter be known as Apple street.
- Apricot.** That Twelfth street, Seventh District, be and the same shall hereafter be known as Apricot street.
- Fig.** That Thirteenth street, Seventh District, be and the same shall hereafter be known as Fig street.
- Oleander.** That Fourteenth street, Seventh District, be and the same shall hereafter be known as Oleander street.
- Olive.** That Fifteenth street, Seventh District, be and the same shall hereafter be known as Olive street.
- Palm.** That Sixteenth street, Seventh District, be and the same shall hereafter be known as Palm street.
- Palmetto.** That Seventeenth street, Seventh District, be and the same shall hereafter be known as Palmetto street.
- Peach.** That Eighteenth street, Seventh District, be and the same shall hereafter be known as Peach street.
- Pear.** That Nineteenth street, Seventh District, be and the same shall hereafter be known as Pear street.

- That Twentieth street, Seventh District, be and the same shall hereafter be known as Quince street. Quince.
- That Napoleon street, Seventh District, be hereafter known as Nerow street. Nerow.
- That Penn street, Fifth District, twelfth street south of Patterson, be hereafter known as Fuller street. Fuller.
- That Louisie street, Seventh District, be hereafter known as Irma street. Irma.
- That Warsaw street, Third District, be hereafter known as Republic street. Republic.
- That Calhoun street, Second District, north of Metairie Ridge, change to Arthur street. Arthur.
- That Webster street, in Second District, north of Metairie road, be hereafter known as Voison street. Voison.
- That Genois street, second street south of Lake, be hereafter known as Freeman street. Freeman.
- That DeArmas street, in rear of Sixth District, extending from St. John's avenue to State street, be hereafter known as Grape street. Grape.
- That Livaudais street, Third District, be hereafter known as Buchanan street. Buchanan.
- That Locust street, the sixth street west of Rampart street, extending from Tulane avenue to State street, be and the same shall hereafter be known as South Robertson street. S. Robertson.
- That Breslow street, Sixth District, the continuation of Locust street, be and the same shall hereafter be known as South Robertson street. S. Robertson.
- That Rousseaux street, Seventh District, seventeenth street from the river, commencing at Upperline street, Seventh District, be and the same shall hereafter be known as Ross street. Ross.
- That St. John street, from junction of Esplanade avenue and Broad street, west to Bayou St. John, Second District, that the same shall hereafter be known as Bell street. Bell.
- That New St. Bernard street, the sixth street west of Pontchartrain Railroad, from St. Bernard avenue to Lake, Third District, be and the same shall hereafter be known as Allen street. Allen.

Camp street.
Ord. No. 11,320.
C. S.
Sept. 17, 1895.

ART. 2707. That between Race and Felicity Road the street on either side of Camp street canal shall be known as Camp street, and the canal and the space not occupied by the street on either side of same shall be known as a neutral ground, and the cost of the paving on either side of Camp street, between Felicity Road and Race street, be as prescribed by law on streets where neutral ground exists.

Neutral
ground, Camp
street.

ART. 2708. That the Camp street canal and the ground not occupied as a street on either side of same, between Clio and Melpomene streets, be and is hereby designated as a neutral ground and the proportion of the cost of paving of Camp street and Coliseum street, between Melpomene and Clio streets, shall be in accordance with law regulating streets where neutral ground exists.

Ib.

Repealing
clause.

ART. 2709. That any or all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Ib.

From Canal
street to upper
city limits.
Ord. No. 395,
O. S.

ART. 2710. (1) That from and after the passage of this ordinance, the streets of the First and Fourth Districts parallel to the river shall have the same names, starting from Canal street and extending to the upper limits of the city, and the streets in the Second and Third Districts shall have the same names, starting from Canal street and extending to the lower limits of the city, in the following manner, to-wit:

IN THE FIRST AND FOURTH DISTRICTS.

Change of
names of cer-
tain streets
in First and
Fourth Dis-
tricts.

ART. 2711. (2) New Levee and Levee streets shall be known as New Levee street.

Religious and Bellechasse streets shall be known as Religious street.

St. Thomas, St. John Baptist, Bellegarde and Fulton streets shall be known as St. Thomas street.

Pacancier, Soubie and Chippewa streets shall be known as Chippewa street.

Annunciation, Elizabeth and Jersey streets shall be known as Annunciation street.

St. Michael and Laurel streets shall be known as Laurel street.

Constance, St. Azelie, Live Oak and Foucher streets shall be known as Constance street.

Camp, Coliseum and Liberal streets shall be known as Camp street.

Tainturier, and Chestnut streets shall be known as Chestnut street.

Coliseum, Ursule and Plaquemine streets shall be known as Coliseum street.

St. Charles and Nayades streets shall be known as St. Charles street.

Carondelet and Apollo streets shall be known as Carondelet street.

Baronne and Bacchus streets shall be known as Baronne street.

Phillippi and Dryades streets shall be known as Dryades street.

Circus, Hercules and Rampart streets shall be known as Rampart street.

St. John, White and Basin streets shall be known as Basin street.

Franklin, St. Peter and Benton streets shall be known as Franklin street.

Trémé, St. Paul and Liberty streets shall be known as Liberty street.

Girod, Cedar and Howard streets shall be known as Howard street.

Freret, Pine and Jacob streets shall be known as Freret street.

St. Mary, Locust and Solace streets shall be known as Locust street.

St. Marc, Magnolia and Maunsel streets shall be known as Magnolia street.

St. Magdeline, Vine and Clara streets shall be known as Clara street.

St. Adeline, Willow and Martin streets shall be known as Willow street.

White and Sixth streets shall be known as White street.

Dupré and Fifth streets shall be known as Dupré street.

Gayoso and Fourth streets shall be known as Gayoso street.

Salcedo and Van Buren streets shall be known as Salcedo street.

Lopez and Third streets shall be known as Lopez street.

Rendon and Second streets shall be known as Rendon street.

Hagan avenue and St. John avenue shall be known as Hagan avenue.

Clark and Violet streets shall be known as Clark street.

Genois and Lemon streets shall be known as Genois street.

Telemachus and Mulberry streets shall be known as Mulberry street.

St. John and St. Peter streets shall be known as Scott street.

St. James and Marley streets shall be known as Pierce street.

Tulane Avenue and Cleveland Street.

Common, Banks and Gasquet to be known as Cleveland st.
Ord. No. 1781,
C. S.
May 18, 1886.

ART. 2712. (1) That Common street, from Baronne street back to cemeteries and Banks street, to its intersection with Galvez street, be hereafter known as Tulane avenue, and that Gasquet street, from Claiborne street back to cemeteries, be hereafter known as Cleveland street.

Assessors to alter names on their assessment rolls.

Placing name on corner houses renumbered.

ART. 2713. (2) That for the purpose of carrying these changes into effect the assessors be requested, authorized and directed to make the necessary changes on the assessment roll, and that the property owners on both said streets be authorized and empowered to place suitable signs on the corners of said streets, as well as to have their properties renumbered under the supervision and direction of the City Surveyor, provided all the changes contemplated herein be carried into effect without any cost to the city.

ART. 2714. Whereas, the street known and designated as Delord street from the levee to Camp, Delord, Triton Walk and from Camp street to the New Basin as Triton Walk should, to prevent confusion, be known through its entire length by the same designation. Miss Annie Howard has purchased ground on said street at its intersection with Camp street for the purpose of erecting and endowing a Free Library thereon. Such a display of public spirit should be recognized.

Miss Annie
Howard,
Ord. No. 2446,
C. S.

ART. 2715. (1) That the street now known as Delord and Triton Walk be and they shall hereafter be known and designated as Howard avenue, and the proper department shall take immediate steps to change the street corner designations to conform herewith.

Howard ave.

IN THE SECOND AND THIRD DISTRICTS.

ART. 2716. (3) Public Road and Levee street shall be known as New Levee street.

Changes of
names in Sec-
ond and Third
Districts.

Old Levee and Victory streets shall be known as Levee street.

O. S. 395.
Nov. 1852.

Chartres, Conde and Victory streets shall be known as Chartres street.

Royal and Casacalvo streets shall be known as Royal street.

Bourbon and Bagatelle streets shall be known as Bourbon street.

Dauphin and Greatmen streets shall be known as Dauphin street.

Burgundy and Craps streets shall be known as Burgundy street.

Rampart and Love streets shall be known as Rampart street.

St. Claude and Goodchildren streets shall be known as St. Claude street.

Marais, Plauche and Morales streets shall be known as Marais street.

Villere and Girod streets shall be known as Villere street.

Robertson and St. John Baptist streets shall be known as Robertson street.

Claiborne and St. Avid streets shall be known as Claiborne street.

Derbigny and Prosper streets shall be known as Derbigny street.

Johnson and Liberal streets shall be known as Johnson street.

Dorgenois and Magistrate streets shall be known as Dolhonde street.

Sixth and White streets shall be known as White street.

Dupré and Fifth streets shall be known as Dupré street.

Gayoso and Fourth streets shall be known as Gayoso street,

Salcedo and Van Buren streets shall be known as Salcedo street.

Lopez and Third streets shall be known as Lopez street.

Rendon and Second streets shall be known as Rendon street.

Hagan avenue and First street shall be known as Hagan avenue.

That the following streets, perpendicular to the river, shall be known as follows, to-wit:

IN THE FIRST DISTRICT.

Changes of
names of sts.
perpendicular
to river.

ART, 2717. (4) Roffignac, Josephine, Basin, Prytania Walk and Terpsichore streets shall be known as Terpsichore street.

1b.

Edward and Melpomene streets as Melpomene street.

Benjamin, Estelle and Thalia streets as Thalia street.

Suzette, Melicerte and Erato streets as Erato street.

Gaiennie and Bartholomew streets as Gaiennie street.

Louisa, Duplantier and Calliope streets as Calliope street.

Delord and Fulton Walk as Delord street.

Girod street shall be known as Broom street. (Re-changed to Girod street by City Ordinance No. 1682.)

Julia street and Florida Landing as Julia street.
 Lafayette and Hevia streets as Lafayette street.
 Jackson street shall be known as Gasquet street.

IN THE THIRD DISTRICT.

ART. 2718. (5) History and Kerlerec streets shall be known as Kerlerec street. O. S. 395.
Nov., 1854.

Mysterious and Columbus streets as Columbus street.
 Bagatelle street shall be known as Bourbon street.

Washington avenue and Poet street shall be known as Washington street.

Enghien street to be known as Lafayette avenue.

ART. 2719. (1) That the name of Touro avenue be and is hereby changed to the original name of Canal street. Canal street.
O. S. 2124.
April, 1855.

That the street formerly denominated and known as New Levee be changed, and from the passage of this resolution be called and bear the name of Peters street; and that likewise shall be changed the street called Old Levee street, instituting in its stead Decatur street. Peters and
Decatur sts.

ART. 2720. (1) That the name of the street now known as St. Mary, which runs between Poydras and Julia, be and the same is hereby changed to Church street. Church street.
N. S. 1211.
Jan., 1869.

ART. 2721. (1) That from and after the first day of October, 1873, such portions of the following named streets as lie *South* of Canal street, shall have the word *South* prefixed to their present names, and such portions of the same streets as lie *North* of Canal street shall have the word *North* prefixed to their present names: North and
South.
A. S. 2330.
Sept., 1873.

Water, Front, Peters, Rampart, Basin, Franklin, Liberty, Robertson, Claiborne, Derbigny, Roman, Prieur, Johnson, Galvez, Miro, Tonti, Rocheblave, Dolhonde, Broad, White, Dupre, Gayoso, Salcedo, Lopez and Rendon streets, Hagan avenue, Clark, Genois, Telemachus, Cortes and Pierce streets and Carrollton avenue.

ART. 2722. (2) That the Administrator of Police be and is hereby authorized and directed to cause the proper name of such streets as herein provided to be placed at each of the corners. Duty of Ad-
ministrator of
Police.
Ib.

Bienville ave. ART. 2723. (1) In response to the petition of property holders, that Bienville street, from Claiborne street to Metairie Ridge, shall hereafter be known as Bienville avenue.

St. Charles avenue. ART. 2724. (1) That St. Charles street above Tivoli Circle shall hereafter be known as St. Charles avenue.

Change of name of sts. ART. 2725. (1) That from and after the passage of this ordinance, the names of the several streets parallel with the river, from Joseph street to the lower line of the Upper City Park, in the Sixth District, and bearing the different names, thereby creating confusion, be changed as follows:

Levee street to be called Tchoupitoulas.

Tchoupitoulas and Preston to be called Annunciation Jersey and Market to be called Laurel.

Laurel and Union to be called Patton.

Live Oak and Main to be called Constance.

Magazine and Liberty to be called Magazine.

Camp and Greenwich to be called Camp.

Chestnut and Chatham to be called Chestnut.

Coliseum or Plaquemine and Elizabeth to be called Coliseum.

Perrier and Howard to be called Perrier.

Prytania and Cortland to be called Prytania.

Pitt and Bond to be called Pitt.

Liberty street. ART. 2726. (1) That Ordinance No. 955 be and is hereby repealed, and that Benton street be hereafter known and recognized in law as Liberty street between Philip and Toledano, and also the prolongation of the same street between Toledano and the Foucher property, now known as Green street, be hereafter known as Liberty street.

University Place. ART. 2727. That that part of Dryades street located between Canal and Common streets be hereafter named C. S. Ord. No. 2659, and called University Place, and its name changed in accordance herewith.

Annunciation street. ART. 2728. That the name of Jersey street, from Antonio street up, be changed to Annunciation street.

ART. 2729. That the name of Burdette street, in the

Seventh District, be and the same is hereby changed to Prague avenue. Prague ave.
Ord. No. 2811,
C. S.

ART. 2730. That the name of New, as now applied to the street running from Calhoun street to Exposition Boulevard, Sixth Municipal District, be and is hereby changed to Carolie, and the said street be hereafter known and designated as Carolie street. Carolie street,
Ord. No. 3742.

ART. 2731. That from and after the passage of this ordinance Washington street, from Bayou Road to Bayou St. John shall be known as Kerlerec street, of which it is the continuation. Kerlerec st.
Ord. No. 5087,
C. S.

That Dolhonde street shall be known as Dorgenois street. Dorgenois st.
Ib.

That Union street in the seventh ward, Third District, shall be known as Lafitte street, after the memorable buccaneer. Lafitte st.
Ib.

ART. 2732. That the name of the street crossing St. Charles avenue, above Audubon Park, and known at present as Chestnut street, be and the same is hereby changed to Audubon street. Audubon st.
Ord. No. 6185,
C. S.

ART. 2733. That the name of Nashville avenue, Sixth District, be changed and the name Beauregard avenue be substituted for same. Beauregard
avenue.
Ord. No. 7275,
C. S.

ART. 2734. That the first street east of Esplanade street, extending from Bayou Road to Bayou St. John, Second and Third Districts, now Roquette, formerly Washington street, shall hereafter be known as De Soto street. De Soto street.
Ord. No. 9595,
C. S.

That the street on the lake side of the Camp street canal, between Melpomene and Clio streets, shall hereafter be known as Coliseum street so that Coliseum street will extend uninterruptedly from Clio street to Felicity Road, and from Felicity Road to the Audubon Park. Coliseum st.
Ord. No. 10,709,
C. S.

That the City Engineer be and he is hereby directed to have the name of the street placed in conformity with the provisions of this ordinance. Name to be
placed.
Ib.

That any and all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed. Repealing
clause.
Ib.

LINES OF STREETS.

Pilie street.
A. S. 6180.
Nov., 1879.

ART. 2735. (1) That the line of Pilie street, on the batture, between Thalia and Terpsichore streets, at and one hundred and forty feet (140) from Water street, and in continuance of Pilie street, as laid out from Thalia to Calliope street, be and is hereby approved, as per plan of the City Surveyor, dated November 3, 1879, and deposited at the office of the City Notary.

Water street.
A. S. 6193.
Nov., 1879.

ART. 2736. (1) That hereafter the western line of Water street, between Henderson and Race streets, shall be extended upon the batture so that the trapezium of land represented on said map as included between straight lines drawn from the point P to C, from C to Q, from Q to R and from R to P, shall be added to and made part of the square of ground bounded by Henderson, Front, Robin and Water streets, and dedicated to the use of the riparian owners of said square; and that the western line of said Water street, between Robin and Race streets, to be extended upon the batture so that the polygon of land represented on said map, as included between straight lines drawn from the point T to M, from M to N, from N to V, from V to S and from S to T, shall be added to and made part of the triangle of ground bounded by Water, Front and Robin streets, and dedicated to the private use of the riparian owners of said square.

Robin street.
Ib.

ART. 2737. (2) That Robin street shall be extended upon the batture in front of the foot of the same from the points marked S and R to the points marked T and Q, the straight lines joining said points S and T and R and Q being prolongations of the side lines of said Robin street; that the foot of Race street be extended as aforesaid, by prolonging the said line thereof next to Robin street until it reaches the point M on said map; and that the eastern side of Front street be prolonged from the point V, its present terminus, as far as the point N, situated on the above prolonged side line of Race street.

ART. 2738. (3) That the condition upon which this

ordinance is passed with reference to the change of the western line of Water street, between Robin and Henderson streets, so as to make the said line to be represented on said map by the line marked P C Q, is expressly and emphatically understood to be that the present riparian owners of said square bounded by Henderson, Front, Robin and Water streets, or their transferees, shall within one year from the date of the passage of this ordinance fill up with river sand, under the supervision of the Administrators of Commerce and Improvements and the City Surveyor, the batture in front of the line marked P C Q on said map to the level of the rest of the levee so that it shall measure at least one hundred feet between any point on the line P C Q and the woodwork of the wharves in front of the same, or if there are no wharves, to the line of the bulkhead forming the outer line of the levee—the object of this condition being to have a levee in front of the said line P C Q at least one hundred feet in width; and it is further expressly made a condition of this ordinance that unless said filling shall be done within the time limited in this ordinance, the same shall be null and void, and *ipso facto* revoked, without any putting in default, and the line of said Water street immediately restored to the position occupied previous to the passage of this ordinance, to-wit: to the position represented by the line P R on said map, and that the city shall have the right, without notice and without compensation, to demolish all buildings and construction made upon the trapezium of land marked P C Q R on said map.

Conditions.
Ib.

ALIGNMENT OF STREETS.

ART. 2739. That the width of Carondelet, Baronne, Dryades and Rampart streets, between Delachaise and Amelia streets, is hereby fixed at (60) sixty feet, as established in the original subdivision of the Delachaise tract.

Carondelet,
Baronne, Dry-
ades and Ram-
part streets.
Ord. No. 3207,
C. S.

ART. 2740. That the City Engineer be and is hereby directed to make the width of sidewalk on St. Peter street between Rampart and St. Claude streets, adjacent

St. Peter st.
Ord. No. 6349,
C. S.

to Congo Square, ten feet wide, and to increase width of street two feet in the said block.

St. Philip, ART. 2741. That the uniform grades and levels on the
Dumaine, following streets hereinafter named, which have been
Tonti, Barracks, Orange, approved and recommended by the City Engineer, be and
Gravier and Dryades sts. Ord. No. 6399, the same are hereby adopted as the uniform and official
C. S.

grade of the city of New Orleans on said respective streets, in accordance with the provisions of Act 114 of 1886. Profile of St. Philip street from river to Claiborne street; profile of Dumaine street from river to Claiborne street; profile of Tonti street from Rampart to Galvez streets; profile of Barracks street from river to Marigny street; profile of Orange street from river to Camp street; profile of Gravier street from Baronne to Rampart streets; profile of Dryades street from Common to Poydras streets.

Howard st. ART. 2742. That the alignment of Howard street, from
Ord. No. 7645, First street to Toledano street, be made to conform to
C. S. the plan submitted by the City Engineer, providing for a banquette on either side twelve (12) feet wide, a neutral ground twenty-four (24) feet wide, with a roadway on either side twenty-six (26) feet wide.

Canal street, ART. 2743. That from Metairie road, extending down
Ord. No. 7486, to the end of the cemeteries, the alignment of Canal
C. S. street be changed so as to provide for a neutral ground twenty-five (25) feet wide, with a thirty-feet (30) roadway on either side, and with a banquette twelve feet six inches (12-6) wide on the north side, and a banquette seven feet ten inches (7-10) as per plan submitted by the City Engineer.

ART. 2744. That the City Engineer be and is hereby directed to at once proceed with the laying out of Canal street, according to the alignment hereinabove mentioned.

ART. 2745. That the action of the Council in thus changing the alignment of Canal street shall not be construed as dedicating to the cemeteries the portion of Canal street which is now being occupied by them. Provided, that the city will lay, at her own expense, a Schillinger pavement five feet wide in front of the ceme-

teries so disturbed. Provided further, that in consideration of the aforesaid improvement to be made by the city, the owner or owners of said cemeteries shall relinquish all their rights, etc., to the said portion of the banquette to be used as a roadway, under the terms and conditions of this ordinance.

ART. 2746. That for and in consideration of the relinquishing by the proprietors of the cemeteries all of their rights, title and interest in and to that portion of ground which was taken for the realignment of Canal street, the city of New Orleans hereby assumes and obligates herself to the entire cost of the pavement which has been laid on Canal street in front of the cemeteries, and further obligates herself to have laid and assumes the entire cost of Schillinger pavement six feet wide along both sides of Canal street in front of the said cemeteries between Anthony street and Metairie road, and also in front of the property of the Firemen's Charitable Association on the river side of Metairie road, between Canal street and the New Canal.

Canal street.
Ord. No. 5129,
C. S.

ART. 2747. That the City Notary be and he is hereby directed to draw up the necessary agreement carrying out the spirit and intent of this ordinance.

ART. 2748. That Ordinance No. 7486, C. S., be and the same is hereby re-enacted.

ART. 2749. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed.

ART. 2750. That the alignment of Peters avenue, between the Mississippi river and Claiborne street, be arranged so as to provide a banquette fourteen feet (14) wide on each side of the street, a neutral ground directly in the centre of the street, having an extreme width of eighteen feet, and a roadway on each side of this neutral ground twenty feet wide, this width of roadway to be from curb line of sidewalk to bounding line of neutral ground, all as per plan on file in the office of the City Engineer.

Peters ave
Ord. No. 8381,
C. S.

ART. 2751. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed.

Repealing
clause. *ib.*

Fifth District
roadway.
Ord. No. 9305,
C. S.

ART. 2752. That the City Engineer be and he is hereby directed to construct the roadway around the new levees in Fifth District in such manner as not to destroy the fruit trees or garden in front of Mr. Rutledge's plantation, provided a clear width of roadway of not less than fifteen feet is obtained.

Clay statue.
Ord. No. 10,176,
C. S.

ART. 2753. That the offer made by the several railroad companies of this city to reduce the base of Clay statue at their own expense be and the same is hereby accepted, that said base be reduced so as to appear as is shown by a print hereon pasted, to-wit:

That the granite and railing left be delivered to the city at the expense of said companies, at whichever place be designated by the proper department of the government.

Howard street.
Ord. No. 7545,
C. S.

ART. 2754. That the alignment of Howard street, from First street to Toledano street, be made to conform to the plan submitted by the City Engineer, providing for a banquette on either side twelve feet (12) wide, a neutral ground twenty-four feet (24) wide, with a roadway on either side twenty-six feet (26) wide.

Canal street.
Ord. No. 5544,
C. S.

ART. 2755. That in accordance with petition of property owners, the width of sidewalk on the upper side of Canal street, between Liberty and Claiborne street, be and is hereby fixed at eighteen feet.

ART. 2756. That the City Engineer in giving lines for the graveling of this portion of contract for paving Canal street is hereby authorized and instructed to run the line of the street into the neutral ground, to such extent as may be necessary to conform herewith, and so adjust the cost of same as to bear equally on all property thus benefited.

Henry Clay
avenue.
Ord. No. 10,243,
C. S.

ART. 2757. That the roadway, or street proper, of said Henry Clay avenue, between St. Charles avenue and Victor street, be reduced in width to thirty feet from curb to curb, and that the sidewalks or banquettes on either side be correspondingly increased in width.

ART. 2758. That due notice, as enjoined by act of the Legislature, No. 142 of 1894, be given and published of

the intention of this Council to pave said roadway or street proper on said Henry Clay avenue, between St. Charles avenue and Victor street, as authorized and provided for by said act 142 of 1894, and under plans and specifications to be adopted in due and usual course.

ART. 2759. That Pitt, Boudousquie and Jennet streets, between Peters avenue and Joseph street, shall have the widths and arrangements, and shall be located with reference to the centre of Prytania street between Peters avenue and Joseph street as enumerated below, and as more fully shown on the plan annexed to and made part of this ordinance. The centre line between the car tracks on Prytania street, between Peters avenue and Joseph street, is hereby established to be the precise centre line of Prytania street between these points. The centre line of Pitt street to be two hundred and fifty-one feet one inch and no lines (251 feet 1 inch) from the centre line of Prytania street as established, and the centre line of Boudousquie street to be two hundred and ninety-five feet seven inches and no lines (275 feet 7 inches) from the centre of Pitt street, as above established, and the centre line of Jennet street to be one hundred and ninety-eight feet two inches and no lines (198 feet 2 inches) from the centre line of Boudousquie street, as above established. Pitt street, between Peters avenue and Joseph street, shall have a width between property lines of forty feet (40 feet). The sidewalks shall have a width of eight feet (8 feet), leaving a roadway of twenty-four feet (24 feet). Boudousquie and Jennet streets, between Peters avenue and Joseph street, shall have a width between property lines of thirty-two feet (32 feet). The sidewalks shall have a width of six feet (6 feet), leaving a roadway on each street twenty feet (20 feet) wide.

ART. 2760. That the City Engineer be and is hereby directed to send to each of the deputy city surveyors of the city of New Orleans a copy of the plan annexed to this ordinance, and all deputy city surveyors are hereby directed to follow in every particular the plan in the laying out of property between these streets.

Pitt. Boudousquie and Jennet streets.
Ord. No. 10,806,
C. S.

Prytania street'

Duty of City Engineer.

Repealing clause. ART. 2761. That all ordinances or parts of ordinances

ib. in conflict with the provisions of this ordinance be and the same are hereby repealed.

Henry Clay avenue.
Ord. No. 10,865,
C. S.

ART. 2762. That the width of roadways and sidewalks on Henry Clay avenue, between the river and Claiborne street, be and are hereby established as per Ordinance No. 10,243, C. S., establishing the width of sidewalks and roadway on Henry Clay avenue, between St. Charles and Victor streets.

Calhoun street.
Ord. No. 11,015,
C. S.

ART. 2763. That the alignment of Calhoun street, from St. Charles avenue to Claiborne street, be changed so as to provide for a sidewalk twelve feet (12) wide from the property line to the curb line on either side of the street, leaving a roadway between curbs of twenty-six feet (26).

City Engineer.
Ib.

ART. 2764. That the City Engineer be and is hereby directed to make the necessary plans for such alignment and to lay out the street in accordance with the provisions of this ordinance.

Repealing clause.

ART. 2765. That all ordinances or parts of ordinances ib. in conflict with the provisions of this ordinance be and the same are hereby repealed.

OPENING OF STREETS.

Peters street
from Poland to
Reynes.
Ord. No. 3509,
C. S.

ART. 2766. That his honor the Mayor be requested to proceed at once to take the necessary measures to have said street opened in accordance with the lines adopted by the City Surveyor, and designated upon a plan and survey now on file in his office.

City Attorney.
Ib.

ART. 2767. That in case legal proceedings be required to carry out this resolution, the City Attorney be instructed to proceed by law, without delay, to compel the opening of said Peters street.

Calhoun from
Camp to Perrier
street.
Ord. No. 4298,
C. S.

ART. 2768. That in accordance with petition of citizens, approved by the City Surveyor, the Commissioner of Public Works and City Surveyor be and they are hereby instructed to order the opening of Calhoun street from Camp to Perrier street, and take such action as may be needful to effect the carrying out of such order.

ART. 2769. That the Commissioner of Public Works be and he is hereby instructed to take such action as may be needful for the opening of Arabella street from Tchoupitoulas street to the Mississippi river.

Arabella street
from Tchoup-
itoulas to
Mississippi
river.
Ord. No. 4457,
C. S.

ART. 2770. That the Commissioner of Public Works be and he is hereby instructed to have Marigny street, from Gentilly Road to the Bayou St. John, opened.

Marigny from
Gentilly to
Bayou St. John
Ord. No. 6470,
C. S.

ART. 2771. That the City Engineer is hereby instructed to furnish without delay the necessary lines and levels for the opening and widening and grading of said Levee or Peters street to a uniform width of forty feet from the base of the levee to property lines, with a roadway thirty feet and a sidewalk of ten feet on property lines. That he is hereby instructed to notify all property owners to remove all fences or other impediments on the line of said Peters street within thirty days from date of notice.

Peters street.
Ord. No. 9715,
C. S.

Resolved, That the Commissioner of Public Works is hereby instructed to proceed without delay, at the expiration of above-mentioned notice, to the grading and ditching of said street. Provided, that said work shall in no manner interfere with the ballasting and contract therefor contemplated by motion of the Council.

Commissioner
of Public
Works.

ART. 2772. That the City Engineer be instructed to cause the following streets, which are now closed and belong to the public, to be opened. That he be instructed to notify any and all parties occupying the same by fences, buildings or otherwise, to remove said obstructions within thirty (30) days from notice thereof; and in case of failure at the expiration of the thirty (30) days, the Commissioner of Public Works be and he is hereby instructed to at once proceed to remove any and all obstructions at the expense of the owners thereof, viz.:

Certain streets.
Ord. No. 10,411,
C. S.

Delaronde street from Reynes to Charbounet streets.

Chartres street from Lizardi to Charbounet streets.

Royal street from Lizardi to Charbounet streets.

Burgundy street from Lizardi to Adams streets.

Marais street from Reynes to Delery streets.

Urquhart street from Reynes to Delery streets.

Villere street from Reynes to Delery streets.
 Robinson street from Reynes to Delery streets.
 Claiborne street from Reynes to Delery streets.
 Forstall street from St. Claude to Claiborne streets.
 Lizardi street from St. Claude to Claiborne streets.
 Eganias street from Dauphine to Claiborne streets.
 Andry street from North Peters to Claiborne streets.
 Lamanche street from Delaronde to Claiborne streets.
 Charbounet street from North Peters to Claiborne streets.

Adams street from North Peters to Claiborne streets.
 Monroe street from St. Claude to Claiborne streets.
 Tricou street from St. Claude to Claiborne streets.
 Delery street from St. Claude to Claiborne streets.

STREET IMPROVEMENTS.

Laying gas
 pipes, etc., and
 railroad tracks.
 Ord. No. 7289,
 A. S.
 Aug., 1881.

ART. 2773. That in all cases where corporations or individuals are permitted, in the prosecution of public works, such as the laying of gas or water pipes, building or repairing of railroad tracks, etc., it shall be unlawful for such corporations or individuals to keep torn up and in disorder, whether passable or not, any street or streets at any given point for a period exceeding twenty days; which period hereby fixes the limit within which such work on any of the streets shall be commenced and completed; and for any violation of this ordinance such corporation or individual shall be held liable to the city of New Orleans for a fine, hereby imposed, of twenty-five dollars (\$25), for each and every day that such corporation or individual shall keep a street or streets, at any given point set forth, torn up or not fully restored to its usual and proper condition, beyond the limit of time herein fixed.

Street repairs.

ART. 2774. (2) That in all instances herein contemplated, the repair of the temporary injury to the streets and their restoration to a proper condition shall be under the control of the Administrator of Improvements, whose duty it shall be in all instances to examine the work, and if in his opinion the street or streets have not been properly restored, he shall notify the parties

concerned to further repair them and place them in proper condition within a delay fixed in the notification, which shall be reasonable according to circumstances; and for every day of delay beyond the delay given by the notice, before the street shall be finally restored or repaired, a fine of twenty-five dollars is hereby imposed, recoverable before any court of competent jurisdiction. Penalty.

ART. 2775. (3) That if the parties concerned, after the notification provided in section 2, fail to commence the work therein required to be done, within the delay therein fixed, the repair or necessary work shall be done at once by the city of New Orleans, through its proper department, at the risk and expense of the corporation or individual concerned; and, in such event, a fine or liquidated damages of twenty-five dollars per day, until the completion of the work from the date of original notification, shall be recoverable in favor of the city before any court of competent jurisdiction, and a judgment in favor of the city for cost and expense of repair shall be conclusive evidence of the fact of default on the part of the defendant. Damages. Ib.

ART. 2776. (4) That it will be made the duty of the Administrator of Improvements to see that the terms of this ordinance are complied with; and he shall in every instance notify the Mayor of the city of any violation thereof, who shall then order the necessary legal proceedings. Duty of Administrator of Improvements. Ib.

ART. 2777. (5) That all other ordinances relating to the subject matter hereof are expressly retained in force, except in so far as they may conflict herewith, and to that extent they are hereby repealed; this ordinance to go into effect on and after its passage. Repealing clause. Ib.

ART. 2778. That whenever publication of petitions for making or improving sidewalks, opening, widening and extending streets are required, the Administrator of Improvements is authorized to require payment for such publications to be made or secured by the petitioners. Cost of advertisements. Ord. No. 155, C. S. June, 1870.

ART. 2779. That the Commissioner of Public Works be and is hereby directed to notify every property

Duty of Commissioner of Public Works on Henry Clay avenue.
Ord. No. 10,981,
C. S.
July 2, 1895.

owner on Henry Clay avenue, between St. Charles avenue and Victor street, to proceed and place the necessary service for water and gas to connect with the mains now laid on the street with his property prior to the laying of the permanent pavement.

Pavement not to be disturbed.
Ib.

ART. 2780. That this pavement after being laid shall not be disturbed for the making of any connections to private properties with gas or water for a period of five years after the pavement is completed.

City Engineer to report standard of vitrified brick.
Ord. No. 11,230,
C. S.
Sept. 3, 1895.

ART. 2781. WHEREAS, There is a vast amount of vitrified brick pavement being laid in different parts of the country and a large amount of said pavement being laid in this city; and,

WHEREAS, There are contractors from all parts of the country competing for contracts in this city, and submitting samples of various bricks for the said paving; and,

WHEREAS, It is essential that the property owners of this city should profit by the experience of others as well as our experience with such pavement; and,

WHEREAS, It should be of great benefit to the property owners of this city that a certain standard should be established and maintained in order to get the best brick for our street paving, therefore be it

Resolved, That the City Engineer be and he is hereby directed to report to this Council which brick or bricks in his judgment, based on the experience he has had and the information he has received, are best suited to stand the traffic of our streets, and that he report to this Council as early as practicable.

Standard brick.
Ord. No. 11,522,
C. S.
Oct. 29, 1895.

ART. 2782. That the following named bricks shall be adopted as a standard for all vitrified brick street paving, they having stood the test and being so reported by the City Engineer: Kentucky block, Coaldale, Hocking Valley block, and Harris paver, and in future all specifications shall call for said brands, and no brick unless equal or superior thereto shall be considered.

ART. 2783. That in future, when ordinances are introduced under Act 119 of 1886, for the paving of any street, no reference shall be made to the quality of

pavement to be used, and the property holders shall, sixty days after the publication of said notice of intention, in which to designate the kind of pavement they desire to have laid on said streets; failing to do so within the said sixty days, the Council will order said street or streets paved with such material as they may see fit.

Designation
of kind of pave-
ment.
Ord. No. 9306,
C. S.
June 6, 1894

ART. 2784. That the clause in the general specifications for gravel paving providing for the retaining of twenty-five per cent. from the contractor be and the same is hereby annulled and rescinded, and shall be stricken from said specifications in any future contract as to gravel pavement, and only a bond shall be required.

Amending spec-
ifications for
gravel.
Ord. No. 3972,
C. S.
Sept. 5, 1889.

ART. 2785. That this ordinance shall take effect from and after its passage, and all ordinances contrary to and in conflict with same be and the same are hereby repealed.

Repealing
clause.
Ib.

ART. 2786. That the Mayor be and he is hereby authorized and directed to enter into notarial contract with the Rosetta Gravel Paving and Improvement Company to keep in good order for five (5) years Washington avenue, from Magazine street to Carrollton avenue, commencing July 14, 1891, in accordance with specifications on file in the office of the City Engineer and as per their bid of June 15, 1891.

Washington
avenue-repairs.
Ord. No. 5501,
C. S.
Aug. 4, 1891.

ART. 2787. That the Mayor be and he is hereby directed to enter into notarial contract with the Rosetta Gravel and Improvement Company, for the grading and graveling of Washington avenue, from Magazine to Carrollton avenue, in accordance with specifications in the office of City Surveyor, and to be made part of the contract.

Paving Wash-
ington avenue.
Ord. No. 2989,
C. S.
June 5, 1888.

ART. 2788. That said contract shall embody all of the clauses in the present contract which it supersedes, except where they conflict with the new specifications and the price for which the work is to be completed, which is hereby fixed at forty-five thousand dollars, payable thirty thousand dollars, as provided for by Ordinances 2091 and 2221, C. S., and fifteen thousand dollars out of Suspense Account of the year 1885.

ART. 2789. That it is expressly understood and agreed between the contracting parties that the signing of the contract herein provided annuls and abrogates the contract for same work, dated September —, 1887, and neither party shall have any claim against the other for any work done or act performed under aforesaid former contract.

Decatur street.
Ord No. 8298,
C. S.
Nov. 14, 1893.

ART. 2790. The paving of the street with square block will extend to the property line on the Decatur street side of the Fish and Vegetable Market, and the grade to be such as to abolish the necessity of any gutter on the river side of this street.

Arrangement
of paving.

ART. 2791. That the City Engineer be and is hereby directed to have the grades of the streets so arranged as to pave on an incline from the centre of the street directly to and against the property line in front of the Fish and Vegetable Market, all in accordance with a plan submitted with and forming a part of this ordinance.

Intersection
a cross St.
Charles avenue.
Ord. No. 3966,
C. S.
April 3, 1894.

ART. 2792. That an intersection be placed in front of the roadway now being built through the land of the Crescent City Improvement Company across the neutral ground on St. Charles avenue.

City Engineer.
Ib.

ART. 2793. That the City Engineer be and is hereby directed to prepare plans and specifications for the construction of this intersection.

OBSTRUCTION OF STREETS.

Obstruction
of streets.

Ord. No. 4797,
A. S.
Amended by
Ord. No. 3035,
C. S.
July 3, 1893.
Ord. No. 4937,
C. S.
Oct. 29, 1889

ART. 2794. (1) That it shall be unlawful for any person or persons to encumber or obstruct any of the streets, gutters, public roads, public grounds, public squares, public places or promenades, banquettes or sidewalks of the city by depositing in or on the same any box, bale, hogshead, barrel or any goods, wares or merchandise, or any article whatsoever, except for the necessary time of loading or unloading the same, and provided that no merchandise shall be packed or unpacked on any sidewalk, nor shall it be lawful to occupy any portion of any street, avenue, alley or sidewalk with any stand (in the common acceptance of the term).

table, shelving, wagon or cart, for the purpose of selling or offering for sale any fruits, nuts, candies or other merchandise; provided, the above shall not be so construed as to prevent persons dealing in fruits, candies, nuts or other merchandise, and who shall rent stores, from occupying the walls of their respective stores, and the sidewalks on which they front for a distance of twenty (20) inches from the wall of their building; provided further, that this section shall not apply to book, newspaper or fruit stands, located on any sidewalk, not less than ten (10) feet wide from walls of buildings to curbs, and against the outside wall of any building upon the following conditions:

First—That the sidewalk shall not be occupied to any greater extent than merchants are allowed to occupy with their merchandise.

Second—That they shall only be permitted at such places when the occupants of the building consent thereto.

Third—That the owners of said book, newspaper or fruit stands shall pay a merchant's tax and license therefor.

ART. 2795. Provided, that for the purpose of facilitating commerce, the City Surveyor may issue permits for the covering of gutters on such streets as may be sufficiently wide to warrant same on plans and specifications approved by the City Council.

Nor shall boards for advertising purposes be permitted to stand against or attached to fences, houses, or attached to awning-posts on the banquettes, so as to obstruct or disfigure the sidewalks, and should any person or persons having charge of the same, after having been notified by the Commissioner of Public Works or any officer of the city police of the city, fail to remove said obstructions within the period designated in said notification, then it shall be the duty of the Ward Superintendent or Inspector, under the direction of the Commissioner of Public Works, or any officer of the city police, to make affidavits against the person or persons so offending, before the Recorder of the district within whose jurisdiction the offence is committed.

Advertising
boards.

Penalty.
Ord. No. 4965,
C. S.
Dec. 16, 1890.

That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Unclaimed
goods, etc.

ART. 2796. (2) That the obstructions referred to in *Ib.* section 1, when the owner is in default, and any such obstructions for which no owner or claimant can be found, shall be removed by the employees of the Department of Improvements, properly deputed to do the same, to the public pound or to a public warehouse of the district wherein the obstruction may be in contravention of this ordinance, and if the property be not identified and claimed within five days thereafter, it shall be the duty of the Administrator of Police to advertise and sell it, as provided for in the case of estrays, vehicles, etc., and that all expense in making said removal shall be paid by the owner or owners of said obstruction, or by the Administrator of Police, from the proceeds of the sale of the same.

Buildings, re-
pairing, erect-
ing, etc.

ART. 2797. (3) That from and after the 18th December, 1878, it shall be unlawful for builders, owners, *Ib.* contractors, or any other person or persons, when engaged in repairing, erecting or constructing any house or building within the limits of the city, to deposit any materials necessary for the same in any manner so as to occupy more than one-third of the width of the street and more than one-half of the width of the banquette or sidewalk, both nearest to the house or building being repaired or constructed, and fifteen feet on each side of said house; and in all cases the builder, owner or contractor, before depositing such materials upon the portion of the street as is authorized by this section, is required to construct a bridge over the gutter so as not

to obstruct the flow of water or prevent the gutters from being easily cleaned. Should any person or persons violating the provisions of this section, after having been notified by the Commissioner of Public Works, or any person properly deputized to represent him, or by any officer of the city police, or any person properly deputized to represent him, fail to remove said obstructions within the period designated in said notification, then it shall be the duty of the ward superintendent or inspector, under the direction of the Commissioner of Public Works, or any officer of the city police, to make affidavits against the person or persons so offending before the Recorder of the district within whose jurisdiction the offence is committed, and upon conviction said offender or offenders shall be fined not more than twenty-five dollars, nor less than ten dollars, and in default of payment of said fine be imprisoned for a period of time not exceeding thirty days, nor less than five days.

Duty of employees of Administrator of Improvements.
Ib.

ART. 2798. (5) That if any contractor, builder or owner who may, in the raising or repairing of any building, deposit stone, brick or mortar, debris, etc., upon the street or sidewalk, fail to remove the same, after having been notified so to do by the Administrator of Improvements, or any person properly deputized to represent him, then it shall be the duty of the ward superintendent or inspector, under the direction of the Administrator of Improvements, to make affidavits against the person or persons so offending, before the Recorder of the district within whose jurisdiction the offence is committed, and upon conviction, said offender or offenders shall be fined not more than twenty-five dollars nor less than ten dollars, and in default of payment of said fine be imprisoned for a period of time not exceeding thirty days nor less than five days.

Builders to remove stone, brick, mortar, etc.
Ib.

Penalty.

ART. 2799. (6) That the obstructions referred to in section 5, when the owner is in default, and any such obstructions for which no owner or claimant can be found, shall be removed by the employees of the Department of Improvements, properly deputized to do the

Debris to be used for filling purposes.
Ib.

same, to any street requiring repairs and where such material will be available for filling purposes, otherwise to be removed to the proper dumping ground.

Duty of Police.

ART. 2800. (7) That it shall be the duty of all the
1b. members of the Crescent City Police to report, through their proper officers, to the Department of Improvements any and all violations of the foregoing sections of this ordinance.

GRADING AND DRAINAGE OF GUTTERS.

Regrading of gutters.
May, 1880.
A. S. 6493.

ART. 2801. That whenever one-half of the owners of real property on any single square fronting on a parallel street shall by petition, signed by the petitioner or petitioners, and addressed to the Council, ask for the regrading of the gutters of said square, so that the flow of storm or other water may be rapid and uninterrupted from the centre of said square to each corner of the next perpendicular street above and below, the Council shall, by resolution, order said regrading to be done in accordance with lines and levels to be furnished by the City Surveyor, and the whole cost of said improvement shall be borne by the owner or owners of real properties fronting on said street in equal proportion, according to the running foot frontage.

Curbing, etc., of certain streets.
Ord. No. 3952,
C. S.
Sept. 3, 1889.

ART. 2802. That that part of Ordinance No. 3738, Council Series, relative to the curbing, guttering and counter curbing of Foucher, Calhoun and Esplanade streets with stone, as well as all similar parts of subsequent ordinances relating to the paving of other streets, be and are hereby repealed.

Curbing, etc., in good condition to remain.
1b

ART. 2803. That all curbing, guttering and counter curbing, now existing in good condition on such streets, shall be allowed to remain; provided, it is on the proper line and grade. If it is not it shall be relined, or regraded, at the cost of the owner.

Material of new work.

ART. 2804. That when part of a block is without curbing, guttering or counter curbing, or where they require removal in the judgment of the City Surveyor, the required new curbing, guttering and counter curbing shall be constructed of such material as is most largely used in said block.

ART. 2805. That when, in any block, there is no curbing, guttering or counter curbing, they shall be built of wood; provided, that if property holders owning a majority of the frontage on any block agree on the use of any material for the curbing, guttering or counter curbing of said block, such material shall be used throughout the block for all parties joining in such agreement, and for all new curbing, guttering and counter curbing to be built, or old to be rebuilt.

Wood. Ib.

This agreement must be made and communicated to the contractor, or the City Surveyor, before the work commences on the block; provided, that any property holder in any block shall have the right to use, at his discretion and cost, curbing, guttering and counter curbing of better material, or workmanship, in the judgment of the City Surveyor than is directed above.

Property holders' discretion. Ib.

Provided, That such parts of wings as are in front of properties shall be of such materials as the city, through the City Surveyor, sees fit to use for the other parts of said wings in the intersections.

Wings. Ib.

Provided, That whenever, after the paving of any street, any curbing, guttering or counter curbing, shall, in the opinion of the Commissioner of Public Works, require renewal by reason of decay, or other cause, it shall be replaced with stone, artificial stone or brick, in cement, according to the general specifications of such work. In case of the refusal of any party to comply with the terms of this *proviso* on such notification of the Commissioner of Public Works, he shall be liable to a fine of \$2 per front foot of the property on said street, to be collected before the Recorder of the district in which the property is located.

Penalty. Ib.

ART. 2806. The proceeds of this fine shall be expended by the Commissioner of Public Works in properly executing the work, and any balance thereof shall revert to the material fund of the Commissioner of Public Works.

Provided, That this shall not apply to Canal, Dryades and Esplanade streets.

Not to apply to certain streets. Ib.

RIGHT OF WAY.

AMBULANCES.

Hospital Am-
bulance.

Ord. No. 978,
C. S.

Oct. 7, 1884.

ART. 2807. (1) That the right of way through the streets, roads and upon the levees within the city limits, is hereby granted to all ambulances and other vehicles used for the transportation of the sick and wounded by the Charity Hospital, subject only to the right of way given by existing ordinance to the Fire Department, and all other vehicles of every description are hereby required to move out of the way and give the road to such ambulances and other vehicles used by the Charity Hospital for the purpose stated, when made aware of their approach, and in case of neglect or refusal so to do every driver of such vehicle shall, upon arrest and conviction before the police court of the district, pay a fine of ten dollars, or in default thereof be imprisoned for twenty days.

Penalty.

Rate of speed

1b.

ART. 2808. (2) That the said ambulances and other vehicles of the Charity Hospital shall be permitted to drive through the streets and other thoroughfares of the city at such rate of speed as may be deemed necessary; provided, that all such vehicles shall be furnished with alarm signals, bells or gongs of sufficient size to give notice of their approach.

See Fire Department.

RIGHT AND LEFT ROADWAY.

St. Charles
avenue.

Mar. 16, 1886.

ART. 2809. That from and after the passage of this ordinance, cabs, hacks, carriages and all other vehicles, public or private, which are driven on any part of St. Charles avenue, between Lee Circle and Louisiana avenue, when going toward Carrollton, shall keep to the wood side or right of said street, and when returning shall keep to the river side or left of said street.

Left side.

ART. 2810. That the owner or driver of any vehicle in contravention of this ordinance shall be liable to a fine from five dollars (\$5) to twenty-five dollars (\$25),

Penalty.

1b.

or imprisonment at the discretion of the Recorder from five (5) days to thirty (30) days.

ART. 2811. That the Commissioner of Police and Public Buildings be and he is hereby directed to cause the necessary notice to be posted along said street for the guidance of all persons driving vehicles on said street.

Commissioner
of Police. **Ib.**

ART. 2812. That from and after the passage of this ordinance, cabs, hacks, carriages, and all other vehicles, public and private, which are driven on any part of Canal street, between Claiborne street and the Metairie ridge, shall, when going toward the river, take that side of said Canal street which is in the First District, between the neutral ground and the sidewalk, and when going toward the Metairie ridge they shall take that side of said street which is in the Second District, between the neutral ground and the sidewalk.

Canal street.
To keep to
the right and
left.
Sept., 1873.
A. S. 240.

ART. 2813. That the owner or driver of any vehicle which shall be driven on Canal street, between Claiborne street and the Metairie ridge, in contravention of this ordinance, shall be liable to a fine of ten dollars, recoverable before any court of competent jurisdiction.

Penalty. **Ib.**

ART. 2814. That the Administrator of Police be and is hereby authorized and instructed to have placed on Canal street, in conspicuous positions, two sign boards on Claiborne street, two at Broad street, two at Hagan avenue, two at Carrollton avenue, and two at the cemeteries, notifying persons driving on Canal street of the side they are required to take and the penalty for every violation of this ordinance.

Sign board. **Ib.**

ART. 2815. That all streets, avenues or public highways within the city limits having neutral grounds or car tracks in the centre of same, with sufficient roadway on both sides of said neutral ground or car tracks for use as public streets, be and they are hereby constituted right and left roadways, for the purpose of riding or driving thereon.

Neutral
grounds.
Ord. No. 565,
C. S.
Oct. 6, 1891.

ART. 2816. That it is hereby made unlawful to ride or drive any animal or vehicle on such roadway, except to the right of such neutral ground or car track.

Unlawful to
ride or drive on
certain sides.
Ib.

ART. 2817. That any person or persons violating the provisions of this ordinance shall be fined by the Re-

corder in whose district the offence shall have been committed not exceeding twenty-five dollars, or, in default of payment of said fine, imprisonment not exceeding thirty days.

Poydras streets. ART. 2818. That on and after the passage of
Ord. No. 9245, this ordinance all vehicles traversing Poydras
C. S. street, on both sides of the market, will be subject
 May 22, 1894. to the following regulations, excepting the vehicles belonging to business houses thereon: All vehicles going toward the swamp will use the lower or north side of the market, and those going toward the river will use the upper side or south side of the market. Any violation of this ordinance shall be punishable by a fine and imprisonment not exceeding \$25 or thirty days' imprisonment, said fine to be recoverable before any court of competent jurisdiction.

Penalty.

Ord. No. 4463, C. S., repeals Ord. No. 3415, C. S.

Unlawful to drive on certain streets. ART. 2819. That it is hereby made unlawful for the
Ord. No. 5009, driver of any dray, float, wheels for the hauling of timber, stone, machinery, etc., or other vehicles without
C. S. springs, to drive such vehicle on Erato street, between
 Jan. 6, 1891. Annunciation and Camp streets, except for the necessary loading or unloading of such vehicle on Erato street, between the points designated, in which case they shall only use such portion of said street as is comprised within the point of such loading or unloading and the nearest intersecting street.

Penalty.

Ib. ART. 2820. That the driver of any vehicle contravening the provisions of this ordinance shall be arrested and fined not less than ten or more than twenty-five dollars, or in default of payment to imprisonment for not less than ten or more than thirty days by the Recorder of the district.

Street pilings. ART. 2821. That no person or persons, or corporations, shall in the future dump or deposit any debris or
Ord. No. 10,584, street pilings of any character whatsoever, on any dirt
C. S. streets between Toulouse and Julia streets and Claiborne
 April 9, 1895. street and the river.

ART. 2822. That the said debris, street pilings, etc.,

shall be dumped or deposited on dirt streets outside of Claiborne street, between Julia and Toulouse streets, under the supervision of the Commissioner of Public Works. Any person, persons or corporations found guilty of violating the provisions of this ordinance shall be fined, upon conviction before any competent court having jurisdiction, for each offence, the sum of \$25, or suffer imprisonment for a term of thirty days.

Penalty. Ib.

ART. 2823. That the Commissioner of Public Works examine into the expediency of establishing in the rear of each district of the city, a dumping ground, by purchase or by contract of owners, and remote from thickly settled localities, where the garbage, etc., of the district shall be deposited and deodorized, and when suitable shall be used by the Commissioner of Public Works for filling and grading and repairing dirt streets in the suburban districts, and should the accumulation be in excess of the wants of this department, may be sold by order of and under instructions of the Council, proceeds of sale to be placed to credit of improvement fund and used as may be required by that department, and that each dumping ground shall be under the supervision and care of the superintendent in which said dumping ground is situated.

Dumping
grounds.
Ord. No. 2936,
C. S.
May 8, 1888.

ART. 2824. That Ordinance No. 2116, A. S., and Ordinance No. 108, C. S., in reference to allowing parties to haul away street scrapings, be and the same are hereby repealed, and that it shall be unlawful for any person to remove the street scrapings, garbage or earth dirt for the object of filling lots or sidewalks, or any other purpose; that the Commissioner of Public Works shall cause the arrest of any person known to have carted or hauled away the above described material, and such offender shall be punished as hereinafter provided. All street cleanings and excavations shall be deposited in the nearest material depot, these to be kept for the use of the Department of Public Works.

Street scrap-
ings, etc. Ib.

ART. 2825. That any party or parties violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and subject, on conviction, to a fine of not

Penalty. Ib.

more than twenty-five dollars, collectible before the Recorder of the district in which the offence was committed, and in default thereof to imprisonment for a period of not more than thirty (30) days.

Repealing
clause.

ART. 2826. That all ordinances in conflict herewith are hereby repealed, and that this shall have full force and effect from and after promulgation.

TREES.

Trees.
Ord. No. 3170,
O. S.
Dec. 25, 1856.

ART. 2827. (1) Shade trees may be planted on the sidewalks, provided they do not impede the passage, and are planted on a line with the street on which they are placed, and two feet from the outer or street edge of the curbing, to be protected, while small and liable to injury, by boxes one foot square, painted or whitewashed. But this privilege may be withdrawn by the Common Council whenever such trees may injure or encumber the sidewalk or street, or impede the public passage.

Penalty.
Ord. No. 4429,
C. S.
April 15, 1890.

ART. 2828. That any person cutting, breaking or damaging in any manner whatever any tree or trees planted in any square, walk, street or other public place, or any trees planted by any private person on any banquette or sidewalk, shall, on conviction before the Recorder of the district in which the offence is committed, be subject to a fine not exceeding twenty-five dollars, and in default of payment of the fine to imprisonment in the parish prison for a term not exceeding thirty days.

Trees on ban-
quettes.
Ord. No. 651,
C. S.
April 7, 1884.

ART. 2829. (1) That as a police regulation and for the purposes of preserving the regularity and evenness of surface of the urban banquettes, it shall not be lawful hereafter to plant anew any tree or trees, or to reinstate such as may have fallen to decay, or been blown down, or taken away, or otherwise destroyed in or upon any flagged or cement-laid pavement within the city limits; nor shall any lines be given hereafter by the City Surveyor for the flagging or cementing of any sidewalk unless all trees are excluded from plans of same.

Duty of City
Surveyor.

ART. 2830. That permission is hereby given the Canal & Claiborne Railroad Company to remove all of

the trees on the neutral ground of Canal street, between Claiborne and Delta, the work to be done in such a manner as not to interfere in any way with public or private property, the said Canal & Claiborne Railroad Company to make good any and all damage done in the removal of the trees.

Permission to cut down trees on Canal street. Ord. No. 11,523, C. S. Oct. 29, 1895.

ART. 2831. That any ordinance or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Repealing clause. 1b.

SIDEWALKS.

ART. 2832. That on and after the passage of this ordinance no pavement will be constructed on any sidewalk in the Sixth and Seventh Districts of this city of a width less than five feet where the banquettes are ten feet wide and over, and where the banquettes are less than ten feet wide the pavement laid shall be one-half the width of the sidewalk, but no pavement shall be laid less than four feet wide.

Width in Sixth and Seventh Districts. Ord. No. 8183, C. S. Oct. 17, 1893.

ART. 2833. (1) That it shall not be lawful for any cartman or other person to drive any horse or cart, any wheelbarrow or carriage whatever, over the banquette of any street, on a penalty of a fine of two dollars (\$2) for every such offence; provided, that nothing herein contained shall prevent any person from riding, driving or leading across any of the said banquettes any horses or beasts of burden, any wheelbarrow or carriage, into or out of their respective lots or tenements; and every cartman or other person who shall injure any such banquette or counter banquette shall, within twenty-four hours thereafter, cause the same to be well and sufficiently repaired, on penalty of a fine of two dollars.

Driving over banquettes. Ord. No. 714, C. S. May 13, 1884. Amended by C. S. 1750.

Penalty.

ART. 2834. Section 17, of Ordinance No. 3121, O. S., adopted on the 2d of December, 1856, be amended and re-adopted to read as follows, viz.:

Amending O. S. 3121. Ord. No. 7633, A. S. Mar. 1, 1882.

ART. 2835. (1) It shall not be lawful for any person or persons to ride on horseback, or to drive any horse or vehicle, or to turn out any cattle, or in any manner to exercise the same on any banquette of the city, or in the centre or neutral grounds of the following-named

Riding on banquettes or neutral grounds. 1b.

streets: Canal, Basin, Rampart, Esplanade or Claiborne streets, St. Bernard, St. Charles, Napoleon, Louisiana avenues, or in or about Coliseum Place, or in or about any public squares.

Penalty.

Ib.

ART. 2836. (2) Any person or persons violating any of the provisions of this ordinance shall, for each offence, be subject to arrest and to a fine and penalty of not less than five and not more than twenty-five dollars, or to imprisonment not more than ten days, the same to be collected or enforced by the Recorder or by any court having jurisdiction.

Amending C.
S. 714.
Driving on
banquettes.
Ord. No. 1750,
C. S.
April 20, 1886.

ART. 2837. (1) That it shall not be lawful for any person to drive any horse, cow or mule, cart or vehicle of any description whatsoever; any wheelbarrow, bicycle or article with wheel or wheels, propelled by hand or other motive power, over the banquette of any street on penalty of a fine of five dollars, recoverable before the Recorder of the district in which the offence is committed, or in the event of non-payment of the fine so imposed, imprisonment by the Recorder for a period not more than ten days; provided, however, that nothing herein contained shall prevent any person or persons from riding or driving across any of the said banquettes any horses or beasts of burden, wheelbarrows, bicycles, vehicles or articles with wheel or wheels, propelled by horse, hand or other power into or out of their respective lots or tenements. It being understood that nothing herein contained shall prevent owners of bicycles or persons having same from pushing their bicycles over said banquettes.

Penalty.

Pushing bicycles permitted.

Ordinance No. 8382, C. S., authorizes Commissioner of Public Works to employ three competent persons as banquette inspectors.

GRADE.

Uniform grade
banquettes.
Ord. No. 6362,
C. S.
May, 24, 1892.

ART. 2838. That the City Surveyor be and he is hereby directed to make and establish and set a uniform grade of banquettes and sidewalks in the city of New Orleans in conformity with Act No. 114 of 1886; and that after said establishing and fixing and setting said grade, he is hereby directed to report same, street by

street, to the City Council for approval and establishment as the official uniform grade for the city of New Orleans for all banquettes.

ART. 2839. (1) That a uniform grade shall be established for all sidewalks within the corporate limits of this city, and that the owners of all property fronting any public alley or street shall, at their own expense, cause their sidewalks to be made in conformity to said grade within ten days after the same shall have been established by the City Surveyor and notice served by the Commissioner of Public Works upon the owner, agent or tenant of said property. Any owner of property who shall fail to cause said sidewalk to be so graded, after due notification and within ten days thereafter, shall be subject to a fine of not less than twenty-five dollars for each and every offence, and in default of payment of said fine to imprisonment for a period of not less than thirty days, or both, at the option of the court; said fine or imprisonment to be imperative, and to be enforced by any court of competent jurisdiction.

Owner to pay
cost of same.
Ord. No. 749,
C. S.
June 10, 1884.

Penalty.

ART. 2840. (2) All laws or parts of laws in conflict herewith are hereby repealed.

Repealing
clause.

ART. 2841. (1) That the City Surveyor be and he is hereby directed to establish a uniform grade of banquettes in accordance with the provisions of Act No. 114 of 1886, as follows:

Grade of ban-
quettes.
Ord. No. 1989,
C. S.
Oct. 26, 1886.

First—Of all banquettes in that portion of the city known as the First District of this city.

Second—Of all banquettes in that portion of the city known as the Second District of this city.

Third—Of all banquettes in that portion of the city known as the Third District of this city.

Fourth—Of all banquettes in that portion of the city known as the Fourth District of this city.

Fifth—Of all banquettes in that portion of the city known as the Fifth District of this city.

Sixth—Of all banquettes in that portion of the city known as the Sixth District of this city.

Seventh—And all of banquettes in that portion of the city known as the Seventh District of this city.

Conformity of same. ART. 2842. (2) That as soon as the said grade is given and established it shall be recognized as the grade at which all banquettes shall conform to; and the Commissioner of Public Works be and he is hereby directed to issue and serve notice upon all property owners, or their agents or representatives, to commence work and reconstruct, whenever necessary, all banquettes to the proper grade, as provided for in Act 114 of 1886.

Service of notice. ART. 2843. (3) That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence nor the imprisonment more than thirty days.

Penalty. ART. 2844. (1) That whenever any of the sidewalks, common alleys or foot passages within the corporate limits of the city of New Orleans shall need repairs, it shall be the duty of the Administrator of Improvements, or his authorized deputies, to require in writing the owners of the property fronting or bordering thereon, or their agents, to cause said repairs to be made within ten days after the service of said notice.

Repair of sidewalks, alleys, etc. ART. 2845. (2) That any person or persons refusing or neglecting to repair the sidewalks, common alleys or foot passages in front of his or their property, or bordering thereon, or cause the same to be made when required, after the expiration of the ten days, shall be liable to a fine of ten dollars for each day he or they are in contravention (said fine to be recoverable in the Recorder's Court of the district wherein the property is situated), or imprisonment for a period not exceeding thirty days.

Ord. No. 5095, C. S. Feb. 3, 1891. ART. 2846. (3) That all repairs to sidewalks, common alleys or foot passages shall be made of material of the same quality as was used in their original construction, and the work shall be subject to the approval of the City Surveyor.

Nov., 1871.

Failing to repair.

Material.

REPAIRS.

ART. 2847. (1) That whenever any of the sidewalks, common alleys or foot passages within the corporate limits of the city of New Orleans shall need repairs, it shall be the duty of the Commissioner of Public Works to require in writing the owners of the property fronting or bordering thereon, or their agents, to cause said repairs to be made within ten days after the service of said notice.

Sidewalks,
etc., requiring
repairs.
Ord. No. 389,
C. S.
July 31, 1883-

Owners or
their agents to
make repairs.

ART. 2848. (2) That all repairs to sidewalks, common alleys or foot passages shall be made of materials of same quality as was used on their original construction, and the work shall be subject to the approval of the City Surveyor; the proper grade to be maintained.

Material used.
Grade to be
maintained.

ART. 2849. (3) That the proprietors, or their agents, of the lots or houses fronting on the public ways in this city, or incorporated suburbs, shall cause to be uprooted and removed all the grass or weeds growing on the sidewalks and gutters in front of their property; and any person or persons contravening this provision shall be notified by the Commissioner of Public Works to comply within the time specified in the first section of this ordinance.

Grass, weeds.

Failure.

ART. 2850. (4) That any person or persons, or his or their agent or agents, refusing or neglecting, after service of the notice required in the preceding sections, to repair the sidewalks, common alleys or foot passages in front of his or their property, or bordering thereon, or cause the same to be made, or to uproot and remove the grass or weeds from the sidewalks and gutters fronting the same, after the expiration of ten days, shall be liable to a fine of ten dollars for each day he or they shall be in contravention (said fine to be recoverable in the Recorder's Court of the district where the property is situated), or imprisonment for a term of not exceeding thirty (30) days.

Penalty.

ART. 2851. (5) That it shall be the duty of patrolmen on day duty to make daily inspections, and to report to their respective commanders any and all violations of the

Duty of patrol-
men.

provisions of this ordinance, and said commanders shall issue the notices provided for in sections 1, 2 and 3 hereof.

Complaint
book and ob-
ject.

ART. 2852. (6) That there shall be at every precinct station, within the corporate limits of the city, a complaint book, kept for the use and benefit of any citizen or citizens who may desire to report nuisances; all books and blanks necessary for this purpose shall be furnished by the city immediately after the passage of this ordinance to the clerks of precinct stations, who shall be and are hereby required to make proper entries of any and all complaints lodged with them.

By whom fur-
nished.

Repeal of or-
dinances con-
flicting.

ART. 2853. (7) That all other city ordinances relating to the subject matter hereof are expressly retained in force, except so far as they may conflict herewith, and to that extent they are hereby repealed; this ordinance to go into effect on and after its passage.

Sidewalks.
Ord. No. 145.
O. S.
July, 1852.

ART. 2854. That whenever the property owners at the corners of the streets relay their sidewalks they shall have the privilege of relaying the intersections, for which the city is obliged to pay, and be reimbursed by the city for said portion, at the price fixed by the Surveyor.

Repealing
Ords. Nos. 3973
and 5097, C. S.
Ord. No. 5564,
C. S.
Sept. 1, 1891.
Penalty.

ART. 2855. That Ordinances Nos. 3973 and 5097, C. S., be and the same are hereby repealed.

ART. 2856. That whoever shall violate the provisions of this ordinance shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

ALIGNMENT OF SIDEWALKS.

St. Charles
avenue.

Ord. No. 130,
A. S.
May, 1870.

ART. 2857. (2) That in that portion of St. Charles avenue between Tivoli Circle and Toledano street, the following dimensions of sidewalks, roadways and neu-

tral ground are hereby established: Sidewalks, eighteen (18) feet in width, two (2) roadways of thirty-six (36) feet and six (6) inches in width; one (1) neutral ground of nineteen (19) feet in width.

Dimension
of sidewalks.

ART. 2858. (3) That the sidewalks of St. Charles avenue, from Tivoli Circle to St. Mary street, shall be paved or flagged the entire width of eighteen (18) feet, and from St. Mary street to Toledano street twelve (12) feet of the sidewalk shall be paved or flagged until the Council shall direct that the whole space be paved or flagged.

Paving.

ART. 2859. That the width of the sidewalk on both sides of Tulane avenue, from Rampart to Claiborne, be and the same is hereby fixed at twenty-five feet, and the City Engineer is hereby authorized to give lines and levels in accordance therewith.

Tulane avenue.
Ord. No. 9322,
C. S.

PAVEMENT OF SIDEWALKS.

ART. 2860. That on and after the passage of ordinances by the City Council giving notice of its intention to have the sidewalks on any street in the city of New Orleans paved under the provisions of Act 119 of 1886, notices shall be officially given to all property owners on the street sixty days prior to any further action in relation to the banquettes on such streets as may be mentioned in the ordinance, excepting the publication of the ordinance according to law.

Official notice
to be given.
Ord. No. 8422,
C. S.
Dec. 5, 1893.

ART. 2861. That on the passage of an ordinance by the City Council advising of its intentions to pave the sidewalks on any street, the Commissioner of Public Works will immediately proceed to officially notify the property owners on the streets mentioned in the ordinance that sixty days after the date of the notice the City Council will proceed to have the banquettes laid in front of their premises by advertisement and adjudication according to law.

Duty of Com-
missioner of
Public Works.
Ib.

ART. 2862. That the Commissioner of Public Works will prepare the necessary blanks, which will be filled out and officially signed, and which he will cause to have delivered to each property owner on the street or streets

Property
owners to be
served with ne-
cessary blanks.
Ib.

named in the ordinance above referred to, and will cause to have delivered this notice to the owner or agent, and failing to find either the notice will be tacked on the front of the premises, and he will also advise the Council of the expiration of the time indicated in said notices.

Banquettes to be constructed by property owners. ART. 2863. That such property owners as desire to construct their banquettes shall do so within the ninety

Ib. days specified in the notice, and all work to be done under the supervision and according to lines and levels of the City Engineer, and in strict accordance with specifications on file in the office of the City Engineer.

Repealing clause. ART. 2864. That all ordinances or parts of ordinances in conflict with the provisions of the foregoing ordinance be and the same are hereby repealed.

OBSTRUCTING SIDEWALKS.

Erection of buildings. ART. 2865. (1) That whenever in the course of the work of construction, alteration or repair of any building, it may become necessary to obstruct any sidewalks

Ord. No. 1887, C. S. July 27, 1886. or street in the prosecution of the work, or for the deposit thereon of any debris or material, it shall be the

Depositing of debris or material. duty of the owner of such building, or in case such work shall be done by a contractor, then it shall be the duty of such contractor to afford to all pedestrians free

Passage for pedestrians, Plank walk. and easy passage around such obstructions by means of a substantial plank walk at least one foot wide, which he shall cause to be constructed and maintained until such obstructions shall have been entirely and permanently removed.

Penalty. **Ib.** ART. 2866. (2) That any person violating the provisions of this ordinance shall be liable to a fine of not less than twenty-five dollars, or imprisonment for not less than five days, or both, for each violation, to be imposed by the Recorder of the district where the violation may occur.

Repealing clause. ART. 2867. (3) That all ordinances in conflict or inconsistent with the provisions of this ordinance be and same are hereby repealed, and that this ordinance shall take effect from and after its passage.

OBSTRUCTING GUTTERS.

ART. 2868. (3) That all owners, builders, contractors, master workmen, or other persons whatever, are forbidden to obstruct the passage of water in any gutter, by depositing therein any building materials, rubbish or other materials whatever; they are forbidden to erect or make, or cause to be erected or made, any dam in any gutter or gutters; they are forbidden to make, or cause to be made, any mortar-bed over any gutter, unless there is left a free and open space of at least one foot in width between the side of the mortar-bed and the curb-stone, so that the gutters may at all times be easily cleaned; and they are forbidden to allow their workmen, servants or employees to obstruct, deposit, erect or make as aforesaid, under a penalty of not less than ten nor more than one hundred dollars, recoverable as aforesaid.

Obstructing
gutters, etc. Ib.
March, 1856.
O. S. 2044.

ART. 2869. (4) That the Street Commissioner and his deputies be and they are hereby authorized and required to see that the several provisions of this ordinance be complied with and enforced; and in all cases where a party or parties may be found acting in contravention to this ordinance, and refuse or neglect to comply with the same after being notified thereof in writing, said officers shall have authority to cause all materials found placed in contravention to this ordinance to be removed to the public grounds, or some other safe and proper place of deposit, and if the same be not claimed within thirty days thereafter, and the fines and expenses thereon paid, they shall be advertised in the official journal three times during ten days, and sold at public auction; and the proceeds of any such sale, after deducting all fines and expenses, shall be paid into the City Treasury, subject to the claim of any owner of the property sold as aforesaid.

Enforcement
of ordinance.

ART. 2870. That it shall be unlawful, under a penalty of fifty dollars, for each and every offence, for any person or persons to lay any sidewalk, street, railroad or other improvement upon the streets, sidewalks, public

Lines and
levels.
Dec., 1879.
A. S. 621.

ways or grounds of the city until the lines and levels thereof shall have been furnished by the City Surveyor, and Deputy Surveyors shall not give such lines and levels unless by special instructions from the City Surveyor.

Obstructing ART. 2871. (10) No person shall impede or obstruct
flow of water.
Ord. No. 6022,
A. S.
June, 1879. the flow of water in any gutter, canal, pipe or other con-
duit used for draining within the limits of the city of
New Orleans.

Carriage ART. 2872. That on and after the passage of this
ways.
Ord. No. 8314,
C. S.
Nov. 14, 1893. ordinance all carriage-ways over sidewalks, into private
property, shall be paved for the whole width of the
opening of said carriage-way with a hard, well-burnt
brick laid on edge, and resting on a concrete foundation,
not less than four (4) inches thick, these carriage-ways
to be built in accordance with plans and specifications on
file in the office of the City Engineer.

ART. 2873. That carriage entrances across banquettes
shall not be built of wood, but shall be built of good,
hard-burnt lake brick, vitrified brick, Belgian block,
extra quality of concrete pavement, or tiles or other
material which will form a smooth, even surface, and
which will be acceptable to the City Engineer.

Penalty. ART. 2874. Any person violating the said ordinance
Ord. No. 10,341.
Feb. 12, 1895. shall, upon conviction, be fined not less than ten dollars
nor more than twenty-five dollars, or in default of pay-
ing the fine, ten days parish prison.

Private drains. ART. 2875. That a drainage gutter shall be con-
Ord. No. 4781,
C. S.
Oct. 7, 1890. structed on each and all premises in the city of New Or-
leans, the said gutter to be constructed of stone, con-
crete, brick or wood, and shall be graded so as to have
a fall of not less than one-quarter of an inch to every
ten feet, and to extend the entire length of said prem-
ises, and shall connect with the street gutters, the grade
to commence at curb of street gutter, said work to be
done under the supervision of the Board of Health and
City Engineer.

Penalty Ib. ART. 2876. Any person or persons violating the pro-
visions of this ordinance shall be subject to a fine of
twenty-five dollars, or imprisonment for thirty days in

default thereof, for every such contravention, recoverable before the Recorder's court having jurisdiction of the district wherein the offence is committed.

ACTS OF THE LEGISLATURE.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened,* That if any person or persons shut up, by means of a fence or any other obstruction, any street or public way, acknowledged as such, and of which the public shall be in actual possession in the city of New Orleans, either in the city itself or in the incorporated or unincorporated faubourgs, the Mayor shall have the power, upon the fact-being made known to him by an affidavit of any credible person, to cause the said fence or other obstruction to be removed at the expense of the person who shall have erected the same, after having given written notice to said person, if he be known, to destroy or remove the same, within any reasonable delay he shall determine; or if said person be not known, the said Mayor shall cause the said fence or other obstructions to be removed or sold, if said objects are salable, upon inserting a notice to that effect, in English and French, in two of the newspapers of New Orleans. Acts of 1830, p. 114. Power of the Mayor.

ACT 135 OF 1894.

To prevent the tearing up of public streets, except under certain conditions and to promote the public health; also to provide penalties for its violation.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana,* That it shall be unlawful for any person, firm, contractor, or corporation to tear up any street in any city for the purpose of laying tracks, sewer pipes, gas or water pipes, or other work of like character which might necessitate digging and overturning the earth of said streets, from May 1 to September 1 in each year, except under the following conditions, to-wit: Relative to the tearing up of public streets.

Provided, that the contractor, builder or persons carrying on such work shall not tear up, interrupt or obstruct more than three blocks of any mile of street at one and the same time; provided, that permission be first obtained from State Board of Health to conduct such operations during such season, under its supervision. Proviso.

SEC. 2. *Be it further enacted, etc.,* That any contractor, foreman of contractor, superintendent or other persons who shall violate this law shall be forthwith arrested, and on conviction shall be fined not less than one hundred (\$100) dollars, or imprisonment for not less than sixty days, at the discretion of the court, for each offence. Penalty.

Paving of unpaved streets. See section 32. City Charter, see p. 25; Act 113 of 1886, see p. 42.

New paving for paved streets. See section 33, City Charter, see p. 76.

Opening of streets. See section 34, City Charter, see p. 27.

Publication of petitions for paving, etc. See section 35, see p. 27, City Charter.

Repair of streets. See section 36, City Charter, see p. 28.

Right of Council to provide for paving of streets. See section 37, City Charter, see p. 28. Amended by Act 119 of 1886, see p. 44. Amended by Act 142 of 1894, see p. 45.

Authority to establish uniform grade of banquettes. Act 114 of 1886, see p. 39; section 8, City Charter, see p. 42.

DECISIONS OF SUPREME COURT.

1. The municipal authorities are bound to preserve unobstructed, for public use, the streets of the city and the banks of the river, which are public places; and though they may tolerate, temporarily, works not deemed injurious to the rights of the public, no permission of a Council can prevent a subsequent Council from putting an end to such toleration. 6 R. 349.

2. A purchase of real estate by the corporation, with a view to divide it into lots and streets, and to resell the property for the public convenience, etc., is legal. 2 R. 491.

3. The Council may order the removal of works and the demolition of buildings that interrupt or impede the use of the public ways and the banks of the river (4 M. 10, and pp. 2 and 3 La. 563). And the power of regulating the public ways and maintaining order thereon is in the Council. 5 An. 34.

4. The corporation have the power to impose a tax on the front proprietors of ground within the city and incorporated faubourgs for the purpose of paving the streets and making the banquettes. 1 La. 5.

5. Owners of real estate can not be compelled to pay any portion of the cost of paving done in front of their property, unless such paving was desired to be done by a special ordinance, after notice given to the parties interested. 8. R. 198.

6. The corporation has no power to take the property of individuals for the purpose of making a public street, without granting previous compensation to those individuals. 5 La. 422.

7. The question as to the breadth of land which a municipal corporation has a right to require for the construction of a road and levee is, within certain limits, an administrative question, to be left to the discretion of the local authority. 4 An. 73.

8. The charge imposed by ordinance for paving sidewalks is not a tax, and institutions exempt from taxation will have to pay it. 4 An. 1.

9. Public streets and roads can not be appropriated to private uses. 3 M. 303.

10. The right of soil in public roads is vested in the public, and such a road can not be considered as a mere servitude, or right of way, due by the proprietor of the adjoining lands. 4 M. 136. But the principle laid down in this case is subject to some limitation. The property in highways (*grand chemins*) is vested in the whole nation, but public roads (*chemins publics*) may be made on land subject to private ownership. 3 An. 482.

11. The use of the banks of the river and the batture outside of the levee is vested in the public; but the ownership, or title to the soil, is vested in the front proprietors, and they can not deprive the public of the right of use at their own pleasure, or impose any legal limitations on it. 18 La. 122. 178. 295; 13 La. 331.

12. No silence or length of time can deprive a corporation of its power over public places. Its inaction may give an estate by sufferance, but nothing more. 4 An. 73; 4 M. 10.

13. The space between the public road and the levee is private property, to the exclusive use of which the owner is entitled; and he may use the part which extends from the levee to the river, subject to the regulations of the municipal authority, provided he do not prevent the use of it by others; and he may confer upon a lessee the same right. 8 R. 211.

14. The property of the banks of the rivers is in those who possess the adjacent lands, and they have a right to prevent the unlawful use of them by the agents of the public. 4 An. 30.

15. Public places within the limits of a corporation can not be appropriated to private use. 2 An. 770. The sovereign alone has the power of changing the destination of public places. 3 An. 230.

16. Within the limits of incorporated towns the municipal governments are authorized to regulate the use of the banks of rivers and to cause obstructions to be removed; but they have no right to convert the batture formed in front of the property of individuals to private purposes, such as woodyards and the like. 5 An. 36.

17. Squares, or other places of land, left vacant on the plan of a city are not, in consequence of that fact alone, to be considered as public places and dedicated for the use of the whole world, unless the plan contain something on its face to show such dedication, implying a promise on the part of the owner that they should remain open. 5 La. 132; 9 La. 153; 16 La. 509; 18 La. 286; 3 An. 282.

18. The city may remove, as nuisances, buildings which enjoin on the line of the street. 1 M. 187.

18½. The owner of property, who divests himself of a title by dedication to public use, can not recover it. 7 An. 509.

19. The commissioners appointed under the act of 1832. p. 132, for opening and widening streets, are made the sole judges of the cases in which improvements are of so general a nature as to re-

quire a payment of a portion of the expenses by the whole community. 13 La. 325. An assessment is the peculiar province of commissioners, and, like the findings of a jury, should not be disturbed except for manifest error. 15 La. 597. The court can, in no case, amend an assessment made by the commissioners. The report must be approved or rejected *in toto*; and in case of rejection, the court is bound either to appoint new commissioners or to refer the whole matter back to the same. 4 R. 357; 4 An. 7.

20. The proceedings may be discontinued on the payment of costs, at any time before the final confirmation by the court of the report of the assessors. No rights are acquired, or titles divested, until the assessments have been approved by the court. 4 An. 4; 5 An. 112; 11 R. 97; 12 R. 456.

21. Where the city takes possession of a private lot for public use interest on the price will be due from the time of taking possession. 2 An. 651.

22. When a person pulls down the barricades erected on the streets of the city by a paving contractor, and thereby causes the pavement to be injured before it is ready for public use, he is responsible to the contractor for the damage he has caused. 6 An. 569.

23. The municipalities had the power to order sidewalks and gutters, and the proprietors of property in front of which such improvements were made are liable. 7 An. 25.

24. The city ordinance imposing upon the proprietor one-third of the expense of paving the street in front of his property is unconstitutional. 10 An. 59; 1 La. 1.

25. The municipality had authority to impose a portion of the cost for the removal of a dilapidated and insufficient pavement, and making a new and sufficient one in its stead, on the proprietor of property fronting the street so improved. 10 An. 57. (See Acts of 1856. Sec. 120, p. 164.)

26. In making the assessment under the act of 1832 (for opening streets) the only losses subject to assessment are those adjacent to or fronting that part of the street so improved. The owners to whose land a new front is given or added are alone subject to contribution to pay for it. 7 An. 76.

27. Under the act of 1832 (for opening streets) there must be published in the newspaper a notice of the day on which the commissioners will present to the court their estimate and assessment for confirmation. A certificate of the clerk of the court is not evidence of such publication. It must be proved under oath as other facts are proved. 8 An. 377.

28. The assessment directed by the third section of act of 1832, p. 132 (for opening streets), applies exclusively to the property to be appropriated. The commissioners are not authorized to include in such assessment their own fees and other expenses. 10 An. 313.

29. The banks of the river are public property, subject to be used by the public at large. 10 An. 171. And this "bank" is not necessarily confined to the definition of the banks as given in Art. 448 of the Civil Code. 10 An. 523.

30. The act of 1832 for the opening of streets is not unconstitutional in cases where provision is made for the payment for the property before expropriation is effected. 7 An. 76.

31. There does not exist either in the Legislature or in any subdivisions of sovereignty, a power of apportioning taxation for public purposes, whether of a general or local character, except on the principle of equality and uniformity. The act of 1832, p. 132, which directs that the owners of all the lots adjacent to and fronting the part of the street to be opened shall be assessed for their respective portions of the benefit derived from the improvement, and the act of 1847, p. 162, which provides for the owners of all property which may be benefited by opening streets, shall be bound for the amount of their proportions of the benefit, are unconstitutional, such assessment being unequal and not uniform. 9 An. 446; 10 An. 59.

32. The city is bound to pay her proportion of the expense necessary for the pavement of streets bordering on ground belonging to the city and laid out for a public promenade. 13 An. 319.

33. Proceedings were taken to pave a street in New Orleans; a majority of the property owners, by a petition to the Common Council, duly signed in time, opposed the improvement of the street; subsequently the majority opposing the improvement of the street withdrew their opposition, and the Common Council proceeded to pass the requisite resolution authorizing the sale and adjudication of the contract to pave:

Held—That the proceedings were regular, and property owners on the street liable to pay for the paving as provided by law. 18 An. 710.

34. In a question of damages where private property is taken for public use, and the testimony is so conflicting that from it the court is unable to do justice between the parties, the case will be remanded to the court of the first instance, in order that the quantum of damages may be ascertained by a jury of freeholders. 19 An. 271.

35. A jury of freeholders have no authority to fix their own compensation for their services; they are governed by the rules regulating all other juries in regard to compensation. 20 An. 394.

36. Where the city of New Orleans petitions for the opening of a street, and the experts are appointed to appraise the property taken for that purpose, and one of the owners of the property taken expresses his satisfaction with the price fixed by the appraisers of his property, the city is not bound by his approval as to him; she still has the right to show that the appraisement is

too high. The order of the court confirming the appraisal is necessary to bind the city. 20 An. 497.

37. A contract with the city of Jefferson for curbing and gutter built on the sidewalk within the corporation is not a tax, toll or impost within the meaning of Art. 74 of the Constitution of 1868. 21 An. 51.

38. Paragraph twelve of section seven of the charter of the city of Jefferson (laws of 1867, No. 57), requires that all contracts for opening, widening and improving streets authorized by the Common Council shall be adjudicated by the Comptroller under regulations prescribed by the Council to the lowest bidder. An adjudication by direction of the Council, by the Comptroller of a contract for paving one of the streets of the city with the Nicholson pavement to a firm or company having the exclusive right to make such pavement within the limits of the State of Louisiana, is in conflict with this provision of the statute; and the owners of property fronting on the street, paved with this kind of pavement by a company having the exclusive right, can not be compelled to pay two-thirds of the cost of making the pavement.

39. The *principle* of competition enunciated by the statute must be observed by the Council in letting out contracts for the improvements of the streets, otherwise the owners of property fronting on the streets improved can not be compelled to pay the charges assessed against them for making the improvement. 21 An. 143.

40. In dedication of lands for public use, no particular form need be observed; all that is required is the assent of the owner of the land, and the fact of its being used for the public purposes intended by the appropriation. 21 An. 244.

41. Private property can only be expropriated when it is necessary for the public use. The question, whether the property sought to be expropriated is necessary for the public use or convenience, must be judicially determined. 20 An. 308.

42. Property lying in the neighborhood of an improvement, whether taken or not, is liable to be assessed for the proportion of benefit derived from such improvement. 20 An. 497.

43. City is not responsible for damage done to front proprietor by changing the grade of streets. 11 An. 711; 13 An. 426.

44. The city has by its charter full power to regulate and improve the streets; and the nature and mode of such improvements are left to municipal discretion under judicial control. 14 An. 842.

45. The law requires that the signers of the petition to the Council for the opening of a street should possess a portion of the land on which the projected street is to be traced. Adjacent owners can not require the opening of a street wholly through their neighbor's property. 16 An. 394.

46. The city of New Orleans should be made to pay the value of the land taken by her for the purpose of opening a street. 28 An. 64.

47. The city of New Orleans, having elected to pursue the mode of proceeding for the compulsory transfer of property for public use, is bound thereby, and the verdict of the jury fixing the price to be paid for the same is conclusive where the proprietors do not complain nor desire to take advantage of the formalities. 20 An. 394.

48. The city has the right to remove obstructions for public convenience and benefit. 40 An. 474.

49. Section 1 of Act 73 of 1876 is, by inspection, repealed by Sec. 32 of Act 20 of 1882, but the remainder of said act is in full force and operation.

Practically, there can be no effective competition at public auction for the award of a contract for street paving if the specifications of the City Surveyor call for a patented pavement. A vote of the property taxpayers is unnecessary to authorize a street improvement in the city of New Orleans; it is a matter within legislative discretion under the provisions of Art. 46 of the Constitution.

Section 3 of Act 73 of 1876 makes the certificates of designated city officials *prima facie* proof of the contractor's compliance with the contract, and of his due performance of its obligations; and such contract, when evidenced by a notarial act, as *prima facie* proof of the due observance of antecedent forms and requirements of law; hence, the *onus probandi* is cast upon the resisting front proprietors to disprove the same.

The majority of owners, within the meaning of sections 32, 33 and 34 of Act 20 of 1882, are construed by section 35 of that statute to the *owner* or *owners* of a majority of running feet of property fronting on the street, or portion of the street, to be paved; and this interpretation applies with equal force to the petitioning property owners as to opposing memorialists.

The statute provides that a street shall be a unit for the purposes of all computations.

The law fixes the proportionate share of the cost of paving, to be borne by the abutting property owners and the city, respectively, in case the work is done upon a neutral ground street, and there was no necessity of a provision to that effect being incorporated in the specifications, or the contract; and same are not invalid for want of it.

The right of the city to stipulate in a paving contract for the payment of eight per cent. per annum interest by a defaulting front proprietor on the amount due by him as his proportionate share of the cost of construction, is implied from her power to adjudicate the work and to make a contract therefor. The stipulation of any rate of interest not exceeding eight per cent. is an incident of the property owner's obligation, and is binding as any part thereof. 41 An. 251.

50. A street is a space dedicated to public use for the passage

and circulation thereon of ordinary driven vehicles and animals in cities and towns.

A neutral or middle ground is a strip of land extending between the streets or thoroughfares, which is not only not used, but is prohibited from being used as a street, and which, not being thus used, does not practically form part of the street proper. 42 An. 550.

51. A municipal corporation vested by law with control over its streets is bound to keep the same in good order and condition, sufficiently safe to prevent injury to travelers thereon.

It may grant to a railroad company the privilege of building its tracks and running its cars thereon, with the obligation of keeping them in proper order and condition.

Independent of its contract, such railroad company is bound to keep its own road, tracks and rails in proper condition and order. Travelers on the street have a right to use the tracks of the company and are not trespassers. 43 An. 327.

52. The City Council of New Orleans has a right to designate the material with which a street may be paved.

The Council may reject any and all bids, but an arbitrary exercise of such a right would not be justified, and courts would intervene to protect the taxpayer. The Council is vested with a certain discretion in rejecting bids which will not be controlled when exercised with prudence in the public interest. 45 An. 911.

53. The words of the city charter, which provide for the punishment of any violations of city ordinances by fine and imprisonment, refer to ordinances which the Common Council is authorized in terms to pass and have executed in reference to the preservation of the peace and good order of the city, and the maintenance of its cleanliness and health, and they also extend to and embrace the ordinances and regulations the Common Council is authorized to pass with reference to obstructions in the public streets or alleys of the city, same being a necessary police regulation.

Natchez alley, though not a street *eo nomino*, is a *locus publicus*, dedicated to public use, and comes within the terms of the statute and the ordinance. 45 An. 1405.

For other decisions, see "New Orleans," and "Wharves."

SICKLES FUND—See ASYLUMS AND TRUST FUNDS.

SIDEWALKS—See STREETS, SIDEWALKS, ETC.

SOUTHWESTERN BRUSH ELECTRIC LIGHT COMPANY—See ELECTRIC LIGHT AND POWER COMPANIES.

SCHOOLS—See PUBLIC SCHOOLS.

SHOOTING GALLERIES.

ART. 2877. (6) It shall not be lawful for any person or persons to erect or in any manner establish or continue any pistol or shooting gallery within the limits of the city of New Orleans, without having first obtained the consent of two-thirds of the persons residing within one square of the place where any pistol or shooting gallery is intended to be established, and the permission of the Common Council; and it shall be the duty of any person or persons so establishing such shooting gallery to have the same so enclosed as to prevent the report of firearms being heard in the street or streets on which the same may be located.

Shooting galleries.
Ord. No. 3121,
O. S.

SMOKE CONSUMERS—See STEAM ENGINES.

SMOKING—See OFFENCES.

SUGAR SHEDS.

ART. 2878. That the Mayor of the city of New Orleans be and he is hereby requested to appoint an appraiser on behalf of the city of New Orleans, to appraise the sugar sheds, in accordance with section 4 of Ordinance No. 1528, N. S., and to notify the Sugar Shed Company to appoint their appraiser in accordance with said ordinance.

Appraisement
by city.
Ord. No. 9254,
C. S.
May 29, 1894.

That the finance committee be directed to investigate how much is now due by said Sugar Shed Company to

Indebtedness.
Ib.

the city of New Orleans under said ordinance and their contract with the city.

Comptroller
to advertise.

Ord. No. 10,803,

C. S.

ART. 2879. Whereas, under Ordinance No. 1528, N. S., the city of New Orleans granted to Francis B. Fleitas, for the term of twenty-five years, the right and privilege of using the public spaces in the Second District, between Customhouse and St. Louis streets, for the erection thereon of sugar sheds for the shelter and storage of sugar and molasses; and

Whereas, Though the contract was entered into in 1869, granting these rights and privileges to said sheds for twenty-five years, the time for said rights and privileges to commence to run was designated to be the 1st of November, 1871; whereas, it is to the interest of the city and its commerce that said space and sugar sheds be leased as hereinafter provided.

Deposit.

ART. 2880. That the City Comptroller be and he is, hereby directed to advertise for ten days, in the official journal of the city of New Orleans, for the sale at public auction for the exclusive rights and privileges for a term of twenty-five years of using the public spaces on the levee in the Second District of this city between Customhouse and St. Louis streets, commonly known as the sugar sheds and sugar landing, for the reception of sugar and molasses and rice.

Agreement.

Ib.

ART. 2881. (2) That each bidder, as a condition precedent to the receiving of such bid by the City Comptroller, deposit with the City Treasurer the sum of \$25,000 in United States currency, and shall at the time of the bidding file receipt therefor with the Comptroller, and no bidder shall be considered who has failed to file the receipt of the City Treasurer with the City Comptroller, showing that he has made such deposit. The deposits of all unsuccessful bidders shall be immediately returned to them, and the deposit of the successful bidder be returned to him upon the signing and execution of the contract to be made in pursuance hereof and the furnishing of bond and satisfactory securities as herein required.

ART. 2882. (3) That the successful bidder shall agree,

during the existence of said privilege, or lease, to keep said sheds and its approaches in good order and repair at his own expense.

ART. 2883. (4) That he is hereby authorized to make such additions and alterations as may be deemed necessary to meet the increasing demands of commerce.

Additions and
alterations Ib.

ART. 2884. (5) That said bidder shall be allowed to charge, during the term of said lease and privilege, not more than thirty-three and one-third cents for every hogshead of sugar, and not more than thirteen cents for every barrel of molasses, sheltered or stored under said sheds for each month or fraction thereof; and one charge, not exceeding 10 cents for each hogshead, and not exceeding 5 cents per barrel, in receiving, assorting storing and delivering same; and provided, that no other charge shall be made for shelter, storage or labor unless the packages aforesaid, after being under cover, shall change hands or owners, in which case said charges for such shelter or storage shall, as to the transferee or purchaser, be computed from the day of sale or transfer; provided, that sugar or molasses, in other packages than hogsheads or barrels, shall be subject to *pro rata* charges for said shelter or storage.

Charges. Ib.

ART. 2885. (6) That the said bidder shall have the right of sheltering and storing away other goods from or for the vessels in port, or for other parties, while awaiting shipment or delivery; provided, that no other goods whatever that are combustible or liable to cause an explosion, fire or other damage, shall be stored under said sheds or thereabouts; provided, that sugar and molasses shall have, at all times, the preference over all other goods, etc., for the storage thereof.

Rights. Ib.

ART. 2886. (7) That sugar and molasses shall, at any and all times, have the preference of storage or shelter under said sheds and landing to the exclusion of any other goods or materials of any kind.

Sugar and
molasses pre-
ference. Ib.

ART. 2887. (8) That the contracting party shall furnish to the city of New Orleans a bond or other good security, conditioned for the faithful performance of his duties under said lease and privilege, and for the fur-

Bond. Ib.

ther protection of all parties storing goods as herein allowed under said sheds. The amount of said bond or security shall be for the sum of twenty-five thousand dollars, satisfactory to the Mayor of New Orleans, the whole as prescribed in section 21 of the City Charter of 1882, and Act 135 of 1888.

Payments.

Ib.

ART. 2888. (9) That bids for such privilege shall be for so much for the entire term of the lease, payable annually in advance, during the said period of twenty-five years.

Insurance.

Ib.

ART. 2889. (10) That the contracting party shall cause to be insured, at his own expense, for the benefit of the city of New Orleans, the said sugar sheds, floors, buildings and additions or alterations therein for a sum satisfactory to the City Council, payable to the city in case of destruction by fire, including the lightning clause.

Provided, that in case of loss or damage by fire or other cause the city shall immediately repair and restore such loss or damage, and during the time required for such repairs and restoration a fair and ratable diminution shall be made in the amount due the city by the contractor.

Reversion.

Ib.

ART. 2890. (11) That at the expiration of said lease all of the improvements shall revert to the city of New Orleans, on a valuation to be ascertained by two disinterested persons, one to be appointed by the city of New Orleans and the other by the contractor or his assigns or successors; and in the event of disagreement of said valuation between said parties thus appointed, a third person or umpire shall be appointed by the Civil District Court or its lawful successor, and the decision of said umpire shall be final. The contractor shall have the right to assign the lease to any person or corporation competent to hold and exercise the same.

Suits.

Ib.

ART. 2891. (12) That the successful bidder shall agree to defend, at his own expense, any and all suits that are now pending between the city of New Orleans and the Sugar Shed Company, and to this end the City Attorney is hereby requested to furnish to said contracting party all the legal and other information necessary

about the pending litigation *in re* the sugar sheds and sugar landings.

ART. 2892. (13) The city reserves the right to reject any and all bids.

ART. 2893. (1) That Francis B. Fleitas shall have and enjoy for the period of twenty-five years the exclusive right and privilege of using the public spaces on the levee in the Second District of this city, between Customhouse and St. Louis streets, commonly known as the Sugar Landing; said spaces being designated on a plan of the City Surveyor, to be by him submitted to the Committee on Streets and Landings, on or before the 15th day of September, in the year 1869, for the purpose of erecting and constructing thereon fire-proof sheds for the reception and shelter of sugar and molasses, according to the plans and specifications of the City Surveyor on the day aforesaid, which sheds, with such arrangements for the transaction of business as may be convenient, are to be constructed on or before the 1st day of November, 1871, unless the construction be interfered with or prevented by extraordinary accident or calamity, from which time said privilege is to commence to run; provided, that said Fleitas, immediately after the passage of this ordinance, shall have the right to enter upon and use the said spaces for the purposes of construction, as aforesaid.

Grants of
rights and
privileges.
Ord. No. 1528,
N. S., Aug.,
1869, and Ord.
No. 4492, A. S.,
May, 1878.

ART. 2894. (2) That the terms and conditions on which said right and privilege are granted are the following:

Conditions.

(a) Said sheds are to be erected with such accommodations and conveniences for the transaction of business as may be necessary, by said Fleitas, at his own cost, and free of expense to the city of New Orleans; and during the existence of said privilege he is to keep said sheds in good order and repair at his own expense.

Erect sheds.

(b) The New Orleans Sugar Shed Company, as transferee and successor of Francis B. Fleitas, shall be allowed to charge, during the term the privilege granted by this ordinance shall last (under the provisions thereof) a sum not exceeding forty cents for every hogshhead of

Charges.

sugar, and fifteen cents for every barrel of molasses, sheltered or stored under said sheds, for each month or fraction of a month that it shall be sheltered or stored; and one charge, not exceeding ten cents, for each hog-head, and five cents for each barrel, for labor, in receiving, assorting, storing and delivering the same, and no other charge shall be made for shelter, storage or labor, unless the packages aforesaid, after being under cover, shall change hands or owners, in which case said charges for shelter or storage, as aforesaid, shall, as to the transferee or purchaser, be computed from the day of sale or transfer; provided, that no charge whatever shall be made against the transferee or purchaser when the sugar or molasses transferred or sold shall be removed by such transferee or purchaser on the same day he acquired title; provided, further, that sugar or molasses, in other packages than hogsheads or barrels, shall be subject to *pro rata* charges for shelter, storage and labor.

Considerations. (c) The said New Orleans Sugar Shed Company shall pay to the city of New Orleans, as a consideration for said privilege, during the term aforesaid, ten per centum of the gross receipts for shelter or storage in any manner obtained by said company; the said per cent. to be paid quarterly, on statements rendered under oath to the Treasurer of New Orleans; provided, that said sheds and the revenues or income derived therefrom, or from said privilege, shall not be subject to any municipal taxation whatever, during the existence of said privilege.

Right of re- version. (d) In addition to the above consideration, the said sheds, at the expiration of said term of twenty-five years, are to be appraised at their then cash value in the manner following, one appraiser to be appointed by the said Fleitas or his representatives, successors or assigns, and the other by the city of New Orleans. In case of disagreement the two thus selected shall call in a third disinterested person as umpire, and the appraisement thus made shall be conclusive and binding on all parties, and the city of New Orleans shall have the option to take said sheds at one-half of said appraised value, or

of extending the privilege herein granted, on the same terms as those herein specified, for the further period of fifteen years; except that at the expiration of said fifteen years said sheds are to revert to the city in full ownership, free of all cost. In case the city of New Orleans, within three months after the expiration of said twenty-five years, shall fail or refuse to appoint an appraiser, it shall be considered as having exercised the option to extend the privilege aforesaid for fifteen years longer; and in case the said Fleitas, his representatives, successors or assigns, shall, within one month after the city shall have appointed its appraiser, fail or refuse to appoint an appraiser on his behalf, the city of New Orleans shall have the right of appointing two additional appraisers, whose appraisement shall be final; and said Fleitas shall receive one-half the appraised value of said sheds from the city. On the presentation of the decision of the appraisers provided for in this clause, and on the payment of said one-half of the said appraised value, the sheds and spaces on which they are erected as aforesaid shall be surrendered and transferred to the city of New Orleans.

ART. 2895. (3) That the city of New Orleans hereby guarantees to said Fleitas, his representatives, successors or assigns, during the term of this privilege and its extension, the following: Privileges.

(a) The undisturbed possession of said public spaces and the sheds thereon erected.

(b) That the present landing for sugar and molasses shall remain where it now is, and as designated on the plans aforesaid.

(c) That no other landing for sugar and molasses shall be established or allowed for the city or port of New Orleans.

(d) That no other privilege for the reception and shelter for sugar or molasses shall be granted by the city.

ART. 2896. (3) That the sugar and molasses landed at the places set apart for the sugar landing, and not left thereon in contravention of city ordinances, shall Owners' consent.

not be placed under the sugar sheds against the consent of the owners; but nothing herein contained shall be construed to affect paragraph 2 of section 3 of said Ordinance No. 1528, New Series.

Number of
sheds.

ART. 2897. (4) That in case the sheds erected under the provisions of this ordinance should not be of sufficient capacity to meet the demands of increased production or the requirements of commerce, the said Fleitas shall have the right to increase the number of sheds, said additional sheds to be erected on such spaces as the city may designate, and on such terms as may be agreed on; provided, that if said additional sheds are erected within ten years from the 1st of November, 1871, the cost thereof is to be paid by said Fleitas, his representatives, successors or assigns, and said additional sheds are to revert to the city at the expiration of twenty-five years from the date of construction, on the same terms in regard to appraisement, and the option to extend the privilege of using the same, as if the additional sheds were originally constructed under this ordinance; and all the terms and stipulations of this ordinance shall be considered applicable to them in the same manner and to the same extent as they are herein applied to the original sheds.

Security.

ART. 2898. (5) That said Fleitas shall give security in the sum of fifty thousand dollars for the faithful performance of the stipulations herein contained.

Wharfinger.

ART. 2899. (6) That the wharfinger shall have the right, at any time when the levee is encumbered, to enforce the now existing regulations.

Distance.

ART. 2900. (7) That the sheds shall not be located nearer than one hundred and fifty feet to the present wooden work or wharves.

Opening of
streets.

ART. 2901. (8) That if at any time the city shall desire to open or extend any street, that the privilege hereby granted shall not in any manner prevent said street from being opened or extended.

CONTRACT AND SPECIFICATIONS.

ART. 2902. Be it known, That on this day, the eight-
teenth of the month of August, in the year of our Lord
one thousand eight hundred and sixty-nine, and the
ninety-fourth of the Independence of the United States,

Notarial act.

Before me, William Joseph Castell, a notary public
in and for the parish of Orleans, and official notary for
the city of New Orleans, duly commissioned and quali-
fied, and in presence of the witnesses hereinafter named
and undersigned, personally appeared

The Hon. John R. Conway, Mayor of the city of New
Orleans, herein acting in his said capacity, and

Francis B. Fleitas, of the city of New Orleans.

And the said Mayor, acting as aforesaid, declared by
virtue of the authority in him vested by an ordinance,
No. 1528, N. S., passed by the Common Council of the
city of New Orleans, entitled "An ordinance to provide
for the shelter and protection of sugar and molasses re-
ceived at the port of New Orleans," he does, by these
presents, grant, bargain and confirm unto said Francis
B. Fleitas, and contract with him as follows:

ART. 2903. That said Francis B. Fleitas shall have
and enjoy, for a period of twenty-five years, the exclu-
sive right and privilege of using the public spaces on the
levee, in the Second District of this city, between
Customhouse and St. Louis streets, commonly known
as the Sugar Landing; said spaces being designated on
a plan of the City Surveyor, to be by him submitted to
the Committee on Streets and Landings, on or before
the 15th day of September, in the year 1869, for the
purpose of erecting and constructing thereon fire-proof
sheds for the reception and shelter of sugar and
molasses, according to the plans and specifications of
the City Surveyor, on the day aforesaid, which sheds,
with such arrangements for the transaction of business
as may be convenient, are to be constructed on or
before the first day of November, 1871, unless the con-
struction be interfered with or prevented by extraordi-
nary accident or calamity, from which time said privi-

Term of grant.

lege and right is to commence to run; provided, that said Fleitas, immediately after the passage of said ordinance, shall have the right to enter upon and use the said spaces for the purpose of construction aforesaid.

Conditions.

ART. 2904. That the terms and conditions on which said right and privilege are granted are as follows:

(a) Said sheds are to be erected with such accommodation and conveniences for the transaction of business as may be necessary by said Fleitas, at his own cost, and free of expense to the city of New Orleans, and, during the existence of said privilege, he is to keep said sheds in good order and repair at his own expense.

Charges.
A. S. 4492.
May, 1878.

(b) Said Fleitas is allowed to charge, during the term said privilege is to last, under the provisions of said ordinance, a sum not exceeding forty cents for every hogshead of sugar and fifteen cents on every barrel of molasses sheltered under said sheds, and no other charge for shelter is to be made unless the packages aforesaid, after being under cover, shall change hands; then he is allowed to charge, each and every time such package changes hands, while under cover, fifteen cents for each hogshead of sugar and five cents for each barrel of molasses at the time of transfer; provided, that this last-mentioned charge is to be paid to each transferee or purchaser, and shall not be made, where the sugar or molasses transferred or sold shall be removed by such transferee or purchaser on the same day he acquired title; provided further, that the sugar and molasses in other packages than hogsheads and barrels shall be subject to *pro rata* charges. That in case the sheds erected under the provisions of said ordinance shall not be of sufficient capacity to meet the demands of increased production or the requirements of commerce, the said Fleitas shall have the right to increase the number of sheds, said additional sheds to be erected on such spaces as the city may designate, and on such terms as may be agreed on; provided, that if said additional sheds are erected within ten years from the first of November, 1871, the cost thereof to be paid by said Fleitas, his representatives, successors or

assigns, and said additional sheds are to revert to the city at the expiration of twenty-five years from the date of construction, on the same terms in regard to appraisal and the option to extend the privilege of using the same as if the said additional sheds were originally constructed under the said ordinance, and all the terms and stipulations of said ordinance shall be considered applicable to them in the same manner and to the same extent as they are herein applied to the original sheds.

ART. 2905. That said Fleitas shall give security in the sum of fifty thousand dollars for the faithful performance of the stipulations herein contained.

Security.

ART. 2906. That the wharfingers shall have the right, at any time when the levee is encumbered, to enforce the now existing regulations.

Wharfingers.

ART. 2907. That the sheds shall not be located nearer than one hundred and fifty feet to the present wooden work or wharves.

Distance.

ART. 2908. That if at any time the city should desire to open or extend any street, that the privilege hereby granted shall not in any manner prevent said street from being opened or extended.

Opening of streets.

ART. 2909. The said Fleitas hereby binding himself, his heirs, executors or assigns, to execute the above and foregoing contract in accordance with the said Ordinance No. 1528, N.S., and in accordance with the plans and specifications to be hereafter prepared by the City Surveyor as aforesaid, binding himself in all respects to comply with all the stipulations contained in said ordinance, a duly certified copy of which ordinance, which was approved on the 14th of August, 1869, is and remains hereto annexed for all future reference, and is made part thereof.

Obligations of contractors.

DECISION.

The stipulation in a contract that a bonus of a certain proportion of gross profits realized shall be paid to the city, provided the property yielding the revenue from which the same are derived shall be exempt from municipal taxation during the existence of the privilege granted, is in violation of the Constitution, and must be considered as not made.

The nullity of such stipulation renders void the agreement which depends upon it. 35 An. 548.

Decision affirmed by the United States Supreme Court.

SUPERINTENDENT OF POLICE—See POLICE.

SUPERVISOR OF REGISTRATION—See
REGISTRATION.

SURVEYOR, CITY.

Changed to CITY ENGINEER under Act creating Orleans Levee Board. See *Lands and Levees*..

SALARIES. See *Organization*.

Duties and
salaries.

ART. 2910. The Council shall elect, for the term of four years, a surveyor of good standing, who shall have practised the profession of civil engineer for at least three years prior to his election. He shall receive an annual salary of two thousand five hundred dollars. He shall furnish the Council and the proper authorities of the city, when so ordered, with all the plans, estimates, and other information appertaining to his department, which the said Council or other executive officers may require. He shall superintend the construction of public work and report, after the completion of the same, the manner in which works have been executed, and shall perform such other duties as the Council may direct.

DEPUTY SURVEYORS.

ART. 2911. There shall be also elected annually by the Council not more than seven Deputy Surveyors, skilled in their profession, who shall hold their offices, unless sooner removed, until their successors shall be duly elected and qualified. The Surveyor and Deputy Surveyors shall take the oath required by section 16 of this charter, and shall furnish bond, with sureties to the satisfaction of the Council, in the sum of five thousand dollars, to guarantee the faithful performance of their duties. They shall keep an office within the districts, to be designated by the Surveyor, but shall have authority to make surveys anywhere within the corporate limits. That the compensation to Deputy Surveyors, on all surveys in amount exceeding five dollars, is hereby fixed at the rate of two cents per run-

Their duties.

Compensation.

ning foot, to be paid by the persons who shall employ them to give lineations of their property, and they shall file a copy of each certificate given by them to property owners in the office of the City Surveyor immediately after such survey. That the property owners shall notify a Deputy Surveyor of all new subdivisions of properties made by them, under a penalty of fifty dollars for each neglect so to do, and all lines for subdivisions shall be given by Deputy Surveyor; that it shall be unlawful, under a penalty of fifty dollars for each and every offence, for any person or persons to lay any sidewalk, street railroad or other improvement upon the street sidewalks, public ways or grounds of the city, until the lines and levels thereof shall have been furnished by the City Surveyor, and the Deputy Surveyors shall not give such lines and levels unless by special instructions from the City Surveyor.

ART. 2912. That from and after the promulgation hereof, it shall be the duty of all Deputy City Surveyors to file in the office of the City Surveyor a copy of all surveys made on certificates of lines and grades issued by them, within three days after the completion of survey or issuance of certificate.

Duty of Deputy Surveyors.
Ord. No. 4940,
C. S.
Dec. 16, 1890.

ART. 2913. That in the execution of any and all work done by them, as Deputy City Surveyor, they shall be subject to the control and supervision of the City Surveyor.

Supervision
of City Surveyor.
or.

ART. 2914. That it is hereby made the duty of the City Surveyor to report to the Council any failure on the part of a Deputy City Surveyor to comply with the provisions of this ordinance.

Duty of City
Surveyor.

ART. 2915. Whereas, a rule has been adopted that parties bidding on work or the furnishing of supplies to the city must pay contractors' license to be qualified bidders, and such rule is not generally known, causing much dissatisfaction; therefore, be it resolved,

Specifications
to embody
license clause.
Ord. No. 11,305,
C. S.
Sept. 10, 1895.

ART. 2916. That the City Engineer embody such clause in all specifications or contracts, and the Comptroller be and he is hereby directed to embody said clause in the call for bids.

City property.
Ord. No. 2311,
C. S.
June 4, 1887.

ART. 2917. From and after the passage of this ordinance all surveys or maps made by the City Surveyor or his deputies shall become the property of the city and shall be kept on file in his office.

Surveys of
Sixth Municipal District.
Ord. No. 4883,
C. S.
Nov. 25, 1890.

Whereas, much confusion now exists in the surveys of that part of the Sixth Municipal District between Amelia and Toledano streets, and in the rear of St. Charles avenue, caused by the doubtful authority or official vagueness and errors of lithographic plans for distribution and sale of lots.

ART. 2918. That in order to prevent confusion in future surveys and secure uniformity between the surveys of the United States and those of the municipality, the plan of the aforesaid vicinity, prepared by George H. Grandjean, Deputy City Surveyor, from his surveys for the United States, dated November 12, 1890, and herewith submitted, shall be and is hereby adopted and made official, as determining the boundaries and divisions of the aforesaid area, and shall be identified by the number and date of this ordinance, and deposited in the office of the City Engineer for public reference; provided, that nothing in this ordinance shall be construed as disturbing permanent improvements, fences included, now existing and not in conflict with Ordinance No. 3207, C. S.

TANNERIES—See FACTORIES.

TAXATION AND LICENSE.

Taxation power. See Article 203, Constitution.
Equal and uniform. See Article 203, Constitution.
Exemptions. See Article 207, Constitution.
State and Municipal Taxes. See Article 209, Constitution.
Forfeitures. See Article 210, Constitution.
Designation. See Article 211, Constitution.
Postponement of payment. See Article 212, Constitution.
Alien corporations and associations. See Article 217, Constitution.

Collection. See Article 218, Constitution.

Taxes and Licenses. See section 64, City Charter.

Budget. See section 65, City Charter.

Limit of appropriations. See section 66, City Charter.

Property subject to taxation. See section 67, City Charter.

Definition of term property. See sections 68, 69 and 70, City Charter.

ART. 2919. The taxing power may be exercised by the General Assembly for State purposes, and by parishes and municipal corporations, under authority granted to them by the General Assembly, for parish and municipal purposes.

TAX MORTGAGE BUREAU.

ART. 2920. (1) That in accordance with section 22 of Act No. 20, approved June 28, 1883, known as the City Charter, and with Act 119 of 1882, approved July 6, 1882, it is hereby made the duty of the City Treasurer to proceed at once to the collection of all taxes due the city of New Orleans.

Duty of City
Treasurer.
Ord. No. 3044,
C. S.
July 3, 1883.
Amended by
Ords. Nos. 3552,
C. S.; 3572, C.
S.; 3541, C. S.

ART. 2921. (2) That in order to enable him to perform this duty, he is hereby authorized to procure the necessary books and stationery, and to engage the services of seven additional clerks, viz.: one chief clerk, four assistants, and two deputy clerks, and two additional deputies, when, in his judgment, he may deem necessary for the proper transaction of the business.

Assistants.
Ib.

ART. 2922. (3) The chief clerk and the four assistant clerks shall keep the books of the office, make all researches of the delinquent taxes, prepare all notices to delinquent taxpayers and forms for advertisements for sales, make all sales and prepare all deeds of sales; provided, the Treasurer be authorized to give notarial deeds of sale to purchasers requiring same. The two deputy clerks shall serve all notices upon delinquent taxpayers.

Duty of chief
clerk and assis-
tants.
Ib.

ART. 2923. (4) The chief clerk shall receive a salary of one hundred and fifty (\$150) dollars, one chief docket clerk at a salary of one hundred and fifty (\$150) dollars, and three assistants, each at a salary of one hundred (\$100) dollars, and two each seventy-five (\$75)

Salaries.
Ib

dollars per month, and each of the two deputies, or the two additional deputies that may be appointed, twenty-five (25c.) cents for each notice actually served upon the taxpayer, or at his residence or place of business, and the return thereon, the number of services to be attested by the chief clerk; provided, nothing shall be paid for notices by postoffice; and provided, only one notice is sent to the present owners for all the years' taxes due upon said property.

Books.

Ib. ART. 2924. (5) That the Treasurer shall cause to be kept two series of bound books of printed notices, one for movable and another for immovable property, with stubs attached. The one for movable shall contain an index. Each page of the books of immovables shall be designated by a number corresponding with the number of the advertisement of the sale, in order to keep a record of the date and manner of service of each notice of sale. The stub shall correspond substantially with the body of the notice and shall contain the name of the delinquent taxpayer, the description and valuation of the property as contained on the assessment rolls for each year, the amount of the tax for each year, and the manner and date of service, and shall be signed by the deputy clerk; all this in ink.

Collections.

Ib. ART. 2925. (6) That the Treasurer shall proceed to the collection of taxes due in the manner provided by Articles 210 and 218 of the Constitution and by Act 98 of 1886, and any laws amendatory thereof; and every description of immovable property advertised for sale shall be, as far as possible, a copy of the assessment roll without any unnecessary detail or amplification.

Seizures.
Ord. No. 3340,
C. S.

ART. 2926. (7) That in making seizures and advertisements for sale the Treasurer shall begin with properties owing taxes for the year 1879, and subsequent years in succession, in order to save the taxes from prescription.

Bids.

Ib. ART. 2927. (8) That no property shall be adjudicated to a third person unless the bid shall be equal to the amount of taxes due the city in principal, interest and costs, unless authorized by the Council; otherwise the

Treasurer shall bid in the property for account of the city, and all sales to the city shall be included in one act and registered according to law.

ART. 2928. (9) That the Treasurer shall take actual possession of all property adjudicated to the city, and shall rent the same and collect the rents due, and apply all such rents to the credit of the taxes due thereon; all surplus funds so collected shall be disposed of by ordinances at the will of the Council, and it is hereby made the duty of the Comptroller to have kept in his office an account of all funds received from rents and debited against the same.

Possession by
city. Ib.

ART. 2929. (10) That it is made the duty of the Comptroller to assist the Treasurer in the performance of the duties required by this ordinance and to give him and his clerks free access to all his books. And it is made the duty of the City Attorney to give to the Treasurer all the necessary information, advice, and services in all matters connected with the collection of taxes, and to represent him in all suits relative to the enforcement of the payment of taxes.

Duty of Comp-
troller. Ib.

ART. 2930. (11) The interest on all taxes collected shall be credited to the respective years to which it belongs, and a separate account shall be kept of all interests, costs, charges and penalties so received and collected, against which shall be charged by preference all expenses incurred in the execution of the provisions of this ordinance; provided, that no debt can be made against the interest collected for any particular year until the amount in the budget of the revenues for that year as an income from that source has been received by the Treasurer and merged into the general fund of that year.

Interest. Ib.

ART. 2931. (12) It shall be the duty of the Treasurer to cause to be prosecuted any notary or sheriff passing any act of transfer of property unless all taxes shall have been paid thereon according to law.

Transfer of
property. Ib.

ART. 2932. (13) Whenever it shall be brought to the knowledge of the Treasurer that an error has been committed in the assessment of any property either in

Errors. Ib.

the description thereof, or in the name of the owner, or otherwise, it shall be his duty to take all necessary steps to have the proper corrections made upon the rolls of the assessors, and to cause, when necessary, a new assessment to be made under section 11 of said Act 98 of 1886.

Repealing
clause.

ART. 2933. (14) All ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Tax sales.
Ord. No. 3601,
Mar. 12, 1889.

ART. 2934. (15) That the Treasurer shall set aside all moneys received for tax sales and shall keep the same in a separate account. In all cases in which the city of New Orleans shall fail to give a valid legal title to the purchaser for the property adjudicated to him, or if such adjudication be set aside, and the title of the purchaser declared null and void by final judgment of the appellate court, the price paid to the city for such property by the purchaser shall be refunded to him by the Treasurer upon ordinance therefor; provided, that the right to be refunded this price shall not exist for a longer period than one year from the day of adjudication; and provided further, that the Council may, in its discretion, waive or extend this limit of time.

Fees and
charges.

ART. 2935. (16) That the Treasurer is authorized to charge and collect the following fees and expenses for the benefit of the city, viz.:

For each notice of seizure and sale, fifty cents.

For preparing advertisement for newspaper, seventy-five cents.

For each advertisement, seventy cents per square of the space of one hundred words, solid matter.

For each deed of sale executed by the Treasurer himself, four dollars, and for each copy thereof, three dollars; provided, that the purchaser shall have the option of getting the act of sale passed before the City Notary, who shall be entitled to charge the same fee.

ART. 2936. That Ordinance No. 6851, A. S., and the authority granted by virtue thereof by act of Sam Flower, notary, dated February 10, 1881, by the Mayo

of this city to Thomas Duffy, Civil Sheriff of this parish to proceed with the collection of taxes due this city for years prior to January 1, 1879, and the Ordinance No. 6874, A. S., now Art. 95, page 53 of Jewell's Digest, and Ordinance No. 6628, A. S., adopted September 7, 1880, and the act passed before G. Legardeur, notary, on September 10, 1880, in execution thereof, be and they are hereby revoked and repealed.

Repealing
certain ordi-
nances.
Ord. No. 3358,
C. S.
Nov. 20, 1888.

PERSONAL TAX BUREAU.

ART. 2937. That the Comptroller be and he is hereby directed to hereafter make separate tax bills for personal property and real estate, and to prepare the former as early as possible and to deliver the same to the Treasurer for collection.

Separate tax
bills.
Ord. No. 5124,
C. S.
Amended by
Ords. Nos. 6966,
7145, 8617 and
10,071, C. S.

ART. 2938. (2) That the City Attorney is hereby authorized and directed to appoint two Assistant City Attorneys at a salary of one hundred and fifty dollars per month each, and one chief clerk at a salary of one hundred and fifty dollars per month, and two assistant clerks at a salary of one hundred dollars per month each, one service clerk, who shall also be detailed as keeper whenever necessary, and who shall receive a salary of fifty dollars per month; provided, that said salary shall be paid from the appropriations of the City Attorney's office; and such further number of service clerks at ten cents a notice, and keepers at one dollar and fifty cents per day, as in his judgment may be necessary.

Two Assis-
tant City At-
torneys.
Ib.

Clerks and
keeper.

ART. 2939. (3) That as soon as said tax bills on personal property shall have been filed in the Treasurer's office it shall be the duty of the said City Attorney to cause the necessary legal notices to be issued to each tax debtor on said bills, and, as soon as said bills are delinquent under the law, to enforce the collection thereof by every legal means in his power, and to cause a list of said delinquent tax debtors, and the amount due by each, to be published in the official journal of this city for ten consecutive days

Duty of City
Attorney.
Ib.

Duty of Comptroller and Treasurer. ART. 2940. (4) That it is hereby made the duty of the Comptroller and Treasurer to lend said City Attorney all the assistance in their power.

Expenses. Ib. ART. 2941. (5) That the expenses of all the legal and clerical labor employed for the execution of this ordinance shall be paid out of the taxes collected for the year 1891.

Real and personal taxes. ART. 2942. That the provisions of this ordinance shall apply as well to real estate as to personal tax bills.

Ord. No. 6181, C. S. Mar. 29, 1892. ART. 2943. That in all cases in which remission of interest on taxes has been heretofore, or shall be hereafter, granted by this Council on any property sold for city taxes and adjudicated to the city, the Treasurer shall require, in addition to the capital of said tax, the payment of all costs incurred by the city in effecting said sale, and \$1 for each redemption certificate to be issued.

Costs. **Ord. No. 5421, C. S. July 7, 1891.** ART. 2944. That in all such cases the 20 per cent. redemption fee shall not be charged unless required by the ordinance.

Redemption fee. ART. 2945. That no ordinance remitting interest upon taxes on real estate shall have effect unless the taxes assessed upon the personal property of the person owning the real estate at the time the application is made are paid.

Remissions of interest. **Ord. No. 5422, C. S.** ART. 2946. That from and after the promulgation of this ordinance no petition to the Council praying for relief, in the matter of taxes or assessment or interest or penalties, in whole or in part, shall be entertained by the Council, unless accompanied by a research certificate from the office of the Comptroller, which said certificate shall exhibit a full and complete statement of all city taxes due on the property for which relief is sought, from the year 1865 up to and including the current year for which city taxes are due and collectible.

Petitions. **Ord. No. 3335, C. S. Nov. 13, 1888.** ART. 2947. That it shall be the duty of the City Treasurer, whenever any ordinance or resolution remitting interest or penalties on city tax bills be promulgated, to require the production of such certificates or certificate, and to exact payment of all taxes showed to be due by the certificates on the property, whether covered by the

resolution or ordinance or not; and if not complied with to consider such part of such ordinance or resolution null, void and of no effect.

ART. 2948. That nothing herein contained shall be construed as in any manner abrogating or being in conflict with existing ordinances requiring such bills to be paid within (15) days after the promulgation of the ordinance granting such relief. That from and after the passage of this ordinance it shall be and is hereby made the duty of the Comptroller to report on all tax research certificates issued from his department, whether the property in question, issued under each respective certificate, has been sold to the city for any of the city taxes due the city of New Orleans, and to make mention of same on said certificates.

Existing o r-
dinances. Ib.

Duty of Comp-
troller to re-
port all tax
researches.
Ord. No. 7798,
C. S.
July 5, 1893.

ART. 2949. That the Comptroller is hereby further directed to obtain from the Treasurer's Department a complete list of all properties sold by and bought in by the city of New Orleans for city taxes, and to make note of said sales in each ledger for the year's tax for which said property was sold.

Property
bought by city
for taxes.

ART. 2950. That the Treasurer be and he is hereby directed to receive the face value of all tax bills for the year 1869 and previous years, where the face value of such bill does not exceed (\$20) twenty dollars for any one year, in full acquittance thereof.

Tax prior to
1869.
Ord. No. 4396,
C. S.
April 1, 1890.

ART. 2951. That the Comptroller be and is hereby authorized to furnish all persons demanding the same certificates of taxes due the city of New Orleans, and also to furnish releases of all inscriptions of taxes in the Mortgage Office after the same shall have been paid.

Certificates
and releases.
Ord. No. 4002,
Sept. 24, 1889.

ART. 2952. (3) That the chief clerk in the Tax Registry Office is hereby authorized to sign said certificates of taxes and said releases of said inscriptions in the name of the Comptroller.

Chief clerk
authorized to
sign. Ib.

ART. 2953. (4) That the Comptroller is hereby authorized to charge in advance the sum of one dollar for each certificate of taxes due by any one property, and

Charges. Ib.

the sum of fifty cents for each release of tax inscriptions.

He shall keep a special book, in which he shall enter the amount of each fee received, the date thereof and by whom paid.

Daily returns.
Ib.

ART. 2954. (5) The Comptroller shall make daily returns to the Treasurer of his receipts under this ordinance, and shall deposit the same into the treasury through his own receiving warrant.

He shall credit all moneys so received to a special account, to be entitled "Tax Mortgage Account."

Repealing
clause.

ART. 2955. (6) That all ordinances or parts of ordinances on the same subject matter or in conflict herewith be and the same are hereby repealed.

Amending
Ord. No. 4002.
Ord. No. 4374.
C. S.
Mar. 28, 1890.

ART. 2956. That so much of Ordinance No. 4002, C. S., as requires tax research certificates from the office of the Comptroller to be approved and countersigned by the Treasurer, be repealed.

Budget Com-
mittee.
Ord. No. 5424.
C. S.
July, 7 1891.

ART. 2957. That the budget committee be and is hereby empowered and directed to adjust all tax bills for personal property which shall not exceed for any one year the sum of fifty dollars and fifty cents (\$50.50) without further reference to the Council; and upon such adjustment by said committee, approved and signed by the chairman thereof, the City Treasurer is hereby authorized and directed to receive in full settlement the amount fixed by the said committee in each case without further action by the Council other than the authority conveyed in this ordinance; provided, that the said committee shall not in any case remit the interest or costs due upon said taxes for the years 1888, 1889, 1890 and 1891.

Not to insure.
Ord. No. 5629.
C. S.
Sept. 29, 1891.

ART. 2958. That the Treasurer be and he is hereby directed not to insure any property purchased by the city for taxes, and that he be authorized to cause repairs to be made from the revenues received by the city from the rents of each individual property.

Possession of
property.
Ord. No. 5392.
C. S.
June 30, 1891.

ART. 2959. That the City Attorney, in conjunction with the Treasurer, be instructed to take immediate legal steps to put the city in actual possession of all property

sold for city taxes and adjudicated to the city, and improved and susceptible of yielding a revenue, and to collect the revenues thereof for the benefit of the city.

ART. 2960. That Ordinance No. 4610, C. S., be and the same is hereby repealed.

Repealing
Ordinance No.
4610, C. S.,
Ord. No. 5486,
C. S.

ART. 2961. That in compliance with section 5 of Ordinance 5124, C. S., the Comptroller be and is hereby directed to open an account to be known as "Delinquent Personal Tax Account, 1891," to be credited with all returned costs advanced in the prosecution of personal tax suits, and that the Assistant City Attorney, charged with the prosecution of personal tax suits, be and is hereby authorized to draw out of said account, as necessity will require, on his own warrant, and that the Comptroller be and is hereby directed to warrant for and the Treasurer to pay same.

Delinquent
tax account.
Ord. No. 5703,
C. S.
Oct. 27, 1892.

ART. 2962. That from and after the passage of this resolution, that all ordinances remitting interest or penalties, or reducing assessments, or correcting same, shall become null and void, unless the taxpayer pays his or her tax bills within fifteen days after the promulgation of the ordinance granting such relief.

Ordinance re-
mitting tax null
after certain
time.
Ord. No. 2346,
July 5, 1887.

ART. 2963. That all ordinances or resolutions remitting interest, or reducing or correcting assessments, heretofore passed by the Council, be and the same shall stand repealed and become null and void unless the taxes based on same shall have been paid and settled within fifteen days from and after the promulgation of this resolution.

Ordinances
null. Ib.

ART. 2964. That Committee No. 3 be and they are hereby authorized to entertain all applications for payment of taxes, free from interest, costs and other charges, in all cases of over or erroneous assessment, and in all cases where it would be to the evident advantage of the city to accept the principal of the tax.

Committee
No. 3.
Ord. No. 3075,
C. S.
July 17, 1888.

ART. 2965. Whereas, the usual long delays incident to passing upon applications for the remission of interest and penalties on back taxes prior to 1890 has proved detrimental to the City Treasury and other parties interested, causing in many instances the non-rehabilita-

Settlement of
taxes prior to
1890.
Ord. No. 11,301,
C. S.
Sept. 10, 1895.

tion of real estate on the tax rolls and causing the failure of sales or transfers for improvement purposes.

City Treasurer, Mayor and Chairman of Budget Committee authorized to make settlement.

ART. 2966. That the City Treasurer, with the written approval of the Mayor and chairman of the budget committee, be and he is hereby authorized to make settlement of said delinquent city taxes, on presentation of a research certificate, showing the taxes and interest due on said property; that said Treasurer, with the written approval of the Mayor and the chairman aforesaid, is hereby authorized to remit the interest due on said taxes prior to 1890, as shown on said certificate, including 1890; provided, that the taxes, interest and penalties appearing on the research certificate, as due subsequent to 1890, shall also be paid at the time of said settlement, including all costs, advertisements, etc., expended by the city.

Ib.

STAY OF PROCEEDINGS.

Authority of City Council. Dec., 1878. A. S. 4775.

ART. 2967. That the Mayor, Administrators and officers of the city of New Orleans are hereby forbidden to allow or grant any stay of proceedings or extension of time in any tax or license suit, demand or execution, and that all such stays and extensions be made by a vote of the City Council of New Orleans.

Board of Liquidation to enforce collection of taxes prior to year 1879.

Ord. No. 3344, C. S. Nov. 20, 1888.

ART. 2968. That the Board of Liquidation of the City Debt be authorized to collect the taxes due to the city of New Orleans prior to the year 1879, transferred to said board by the Act No. 67 of 1884; that the Board of Liquidation through its attorney is authorized to issue execution when necessary to enforce said collection.

DECISIONS.

1. A city has the right to levy taxes as an incident to its incorporation, though its charter be silent on the subject; but if it specify certain objects of taxation, none other can be taxed. 1 M. 123.

An ordinance imposing taxes on certain trades and professions can not be considered illegal or unconstitutional, because other trades and professions are not taxed, where the tax on the enumerated trades or professions is imposed on all persons exercising such trades or professions. 3 An. 673; 2 An. 182.

2. No person who obtains a license at any time after the com-

mencement of the year can complain that he pays as much for a license to trade during a portion of the year as others who trade for the whole year; the inequality is of his own creation and does not render the statute unconstitutional. 4 An. 549.

3. The City Council have no power to levy taxes on property which is not situated in the city, but merely temporarily within its limits. 1 M. 123.

4. They have the right to tax vessels passing the bridge on the Bayou St. John (3 M. 218), and to lay a tax to provide for a prospective deficiency. 1 La. 5.

5. The corporation has no power to lay taxes on property, real or personal, owned and held out of the limits of the incorporated part of the city and faubourgs. 3 La. 248.

6. Carts, which a man uses for his own purposes in hauling water for sale, are not to be taxed under the ordinance for taxing vehicles for hire. 3 La. 248.

7. Licenses cease at the death of the person to whom granted, although the period for which it is given has not expired. 9 La. 433.

8. The city ordinance of February 3, 1845, imposing a tax on retail dealers, is neither illegal nor unconstitutional. 1 An. 387.

9. The corporation is not bound to tax real and personal estate at the same time; a tax may be legally imposed on either alone. 2 An. 182; 1 La. 13.

10. The ordinance of March 13, 1838, section 4, requiring managers of theatres to pay annually five hundred dollars for the use of the Charity Hospital is not unconstitutional. The enactment for a price for the license so granted is not, in its proper sense, a tax. 2 An. 550; 5 An. 380.

11. Property within the incorporated limits of the city, not laid out into streets, is subject to taxation for all municipal purposes, except the maintenance of lights, of the police, and the expense of watering and cleaning the streets. 2 An. 611.

12. Under the statute of 1805 rural property is not liable for assessment for the maintenance of lights, of the city watch, and for the cleaning of the streets. 10 An. 763.

13. An ordinance imposing a tax on all retailers of soda-water, with the exception of apothecaries, is not illegal or unconstitutional, nor will the fact that the party had paid for a license as a confectioner exempt him from liability for the tax. 4 An. 328. Sec. 10 of the city ordinance of December 16, 1846, does not authorize the imposition on each partner of a banking house or firm of the whole amount of the tax, without regard to his residence in the State. The tax is imposed on the business, and not upon the individual members of the firm, unless they be permanent residents, or sojourners within this State. The power of the State itself to lay taxes only extends to persons and property within its jurisdiction. 4 An. 407; but see 6 An. 783.

14. Under the act of May 4, 1847, the City Councils had the power of taxing rural property within the limits of the city, in the same manner that urban property is taxed; but a distinction between rural and urban property was made by the act of March 18, 1850.

15. The remission of a tax by the Council is an extinguishment of the obligation, and the tax can not be imposed. 4 An. 605.

16. The power to levy and collect taxes has ever been understood to operate prospectively and never retrospectively. 6 An. 605; 39 An. 115.

17. Taxes imposed by political corporations, to whom a portion of the powers of the government are delegated for the purpose of government and police, are not liable to seizure on executions against those corporations; nor are funds collected on judgments for taxes liable to seizure. But sums due to municipal corporations for paving, or bonds taken for paving, are liable to seizure. 6 An. 570.

18. The exigencies of government require that the process for the collection of taxes should be summary. They are to be regarded not as a debt to be enforced against the debtor who contracted it, by official proceedings, but a contribution required from the citizens for the support of government, and for the protection and benefit of all. 7 An. 192.

19. Where taxes, illegally assessed, have been paid through error, they may be recovered. 10 An. 73.

20. The assessment by the city authorities, on account of subscription to railroad stock and for the consolidated loan tax, is essentially a tax. 10 An. 762.

21. The license tax imposed on keepers of coffee-houses is imposed upon all persons of the same class, and is therefore constitutional. 9 An. 305; 11 An. 68.

22. A legal presumption exists in favor of the correctness of the assessment rolls. If errors exist, defendant must allege and prove them. 11 An. 69; see, also, 11 An. 195 and 251.

23. The practice of the profession of law is not shielded from taxation. 12 An. 343 and 344.

24. Where a tax, levied under a municipal ordinance passed without the legal formalities, has been voluntarily paid, it can not be recovered back on the ground of error.

There being no law exempting the plaintiff's property from taxation, for the purposes contemplated by the ordinance, he was under a natural obligation to contribute his quota to the support of the municipal government from which he derived protection. No suit will lie to recover what has been paid or given in compliance with a natural obligation. 12 An. 34; 25 An. 454.

25. One can only be bound by the assessment rolls of the parish

or district within which one has taxable property, after having failed to appeal without a sufficient excuse. 12 An. 47.

26. Under the city ordinance providing that "every keeper of a transient theatre, circus, menagerie or other public exhibition or show, shall pay in advance a tax of ten dollars for each performance," etc., a tax can not be levied on one who keeps a *permanent* establishment for an exhibition consisting of natural and artificial curiosities, for admission to which visitors are charged a certain price. 12 An. 205.

27. The State Tax Collector has a right to institute an action in the name of the State, for the recovery of taxes, when it is evident that the seizure of property would occasion an injunction. 13 An. 497.

28. Where an incorporated company has property subject to taxation in the district of its domicile, they are bound to apply to have the tax roll corrected if they are erroneously assessed. 13 An. 497.

29. The Legislature, besides levying taxes for the support of the State government, may delegate to the several parishes and municipal corporations of the State a similar power of taxation for the support of a local government and police within their respective limits. 13 An. 56; 29 An. 283.

30. There is no constitutional or legal provision inhibiting the taxation of the profession, calling or business of an auctioneer. 13 An. 56.

31. Where property has been omitted in the general State assessment a supplemental assessment may be afterward made, and, in this case, it is not necessary that the formalities of time, manner and place required by law should be observed. 15 An. 89.

32. It is not the State tax roll which creates the indebtedness for local tax; it is the *ordinance* which levies the tax. Hence a person who has removed with his property out of the State, after the assessment of the State tax, but before any local tax is assessed, is not indebted for such local tax. 16 An. 117.

33. A party objecting to the assessment roll on the ground that it is incorrect must resort to the mode pointed out by law, and within the time prescribed to have it corrected, otherwise he will be bound by it. 19 An. 474.

34. The power of making local assessments for local improvements is not taxation within the meaning of the Constitution, and does not, therefore, conflict with that provision of the Constitution which requires taxes to be uniform. 20 An. Rep. 497.

35. Want of proper description of the property will vitiate the assessment roll. 20 An. Rep. 560.

36. The act of the Legislature prescribing the form of proceedings for enforcing the collection of taxes due the city of New

Orleans, by advertisements in the official newspapers, in lieu of a petition and citation, is constitutional. 20 An. Rep. 139.

37. To authorize the assessment of a tax for an improvement, it must be shown that the property assessed is benefited by the improvement. 20 An. 497.

38. The boundaries of the city having been changed, the rural property included in its limits becomes liable to the same proportion of taxes as urban. 27 An. 156.

39. The citation of delinquent taxpayers by advertisement in the official newspaper is constitutional and binding. 20 An. 140; 3 M. 720; 10 An. 727, 766, 771; 11 An. 146, 338, 420; 12 An. 751; 13 An. 405.

40. Registry is unnecessary to preserve the privilege for taxes. 25 An. 334; 28 An. 592; 26 An. 496; 30 An. 296.

41. Taxes are not debts, but forced contributions. 26 An. 697; 28 An. 836.

42. Property annexed by the city of New Orleans may be assessed to pay the debt existing previous to the annexation. 26 An. 498; 14 An. 505; 12 An. 515.

43. Under Art. 209 of the Constitution of 1879 the city of New Orleans has no power to levy a tax in excess of ten mills on the dollar, and it can not be compelled by mandamus to exercise a power which it does not possess; unless in cases where said Art. 209 would be violative of the Constitution of the United States. 32 An. 709.

44. The city of New Orleans, in the absence of judicial decree, could not legally, of its own accord, levy a tax beyond the constitutional limitations to pay its debt. 34 An. 469.

45. Municipal corporations have no inherent power of taxation, but can tax only as the State has thought proper to permit. 33 An. 1179.

46. Under Art. 206 of the Constitution the power granted to "levy a license tax" is discretionary, and not mandatory. The State or city may abstain from taxing, or may exempt from license any occupation or calling, subject to the restriction that if a particular calling is taxed the tax must conform to the constitutional rules. The contrary rule with regard to property taxation results from the provisions of Art. 203, that "*all property shall be taxed according to its value,*" and of Art. 207, "*the following property shall be exempt from taxation, and no other.*"

47. There is no equivalent constitutional provisions relative to license taxation, requiring *all* occupations or *all* persons pursuing any occupations to be taxed, or declaring that *no other* than certain occupations shall be exempted. Hence, the city has the right to abstain from taxing, or to exempt any particular calling or business. 38 An. 826; 43 An. 959.

48. Exemptions. 31 An. 292, 440, 529, 637, 826; 32 An. 82, 104.

TELEGRAPH COMPANIES.

157, 239, 1075, 1136; 33 An. 850; 34 An. 574, 596, 851, 892; 35 An. 746, 996.

49. Exemptions strictly enforced. 33 An. 622; 35 An. 668; 36 An. 804; 37 An. 68; 38 An. 36, 292; 42 An. 1103.

50. Mechanics who employ assistants not exempted. 35 An. 545; 45 An. 44, 219, 346; 43 An. 1104; 44 An. 91, 659.

51. Barbers exempted. 44 An. 1116.

52. The power of taxation is derived from and regulated by the State Constitution, and the Legislature in exercising such power is bound to conform to the Constitution. 42 An. 428.

53. The prescription of three years provided by Art. 186 of the Constitution only applies to unrecorded tax liens and privileges. 42 An. 432; 43 An. 810; 45 An. 566.

54. Newspaper publishers are exempt from license taxation under Article 206 of the Constitution. 42 An. 561. Not exempted. 44 An. 76.

55. When a purchaser at a tax sale, in pursuance of Act 82 of 1884, assumes the payment of taxes in accordance with said act, he can not evade his obligations by contesting the validity of the assessment. 42 An. 677.

56. The provision in Art. 207 of the Constitution of this State excludes from exemption from taxation schools that are conducted for private benefit. 46 An. 572.

57. The limitation of ten mills of parish or municipal taxation permits the levy up to that limit by the parish, and the levy up to the same limit by the municipal corporation. 47 An. 1471.

TELEGRAPH COMPANIES.

AMERICAN UNION TELEGRAPH COMPANY.

ART. 2969. (1) That the right of way be and the same is hereby granted to the American Union Telegraph Company, a corporation duly chartered and organized under the laws of the State of New York, its agents, transferees, representatives, successors or assigns, through the streets and public thoroughfares of the city of New Orleans, for the space and term of twenty-five years from the passage of this ordinance.

Right of way.
Feb., 1880.
A. S. 6360.

ART. 2970. (2) That said American Union Telegraph Company, its agents, transferees, representatives, successors or assigns, be and they are hereby authorized to erect, construct and maintain such lines of telegraph as they

To construct
and maintain
lines.
Ib.

may require for the purpose of conveying intelligence by electricity, and carrying on their business within, to and from the limits of this city, over such routes as may be designated by the Administrator of Improvements and under specifications to be prepared by the City Surveyor; provided, that the location of such wires and poles may be changed whenever in the interest of commerce such change becomes necessary, after ninety days' notice to said company or its agents, transferees, representatives, successors or assigns.

Conditions.
Ib

ART. 2971. (3) That this ordinance will go into effect upon the acceptance of same by the American Union Telegraph Company by act before the City Notary.

ATLANTIC AND PACIFIC TELEGRAPH COMPANY.

Right of way.
April, 1877.
A. S. 3918.

ART. 2972. That permission be and is hereby granted to the Atlantic and Pacific Telegraph Company to construct its line of telegraph along the Gentilly road from beyond the Fair Grounds to Broad street, down Broad street to the Basin, along the Basin to Basin street, along Basin street to Canal street and thence to said company's office in this city, by such route as may hereafter be designated by the Administrator of Commerce and the City Surveyor.

BALTIMORE AND OHIO TELEGRAPH COMPANY.

Franchise.
Ord. No. 919,
C. S.
Feb., 1879.

ART. 2973. (1) That the Baltimore and Ohio Telegraph Company, a corporation created under and by virtue of the laws of Louisiana, its agents, transferees and successors, be and is hereby granted permission and authority to establish a cable across the Mississippi river, and land the end thereof at a point at or near the point where Jackson street intersects the river, and construct and establish a cable box or a house in such manner as not to obstruct the use of the levee or street, and may erect lines of poles and wires on and along the streets of the city sufficient and adequate to connect such cable with a central office, located in a central portion of the city, to be selected by the said tele-

Cable box or
house.

graph company; and also to make and construct on and along the streets of the city such lines of poles and wires as shall or may be necessary to connect its offices with any other line of the telegraph wires which it may construct or establish on or along any of the highways or railways now approaching and connecting with this city, or such as may hereafter be established or constructed, and with all such subordinate or auxiliary offices as such company may establish within the city limits; provided, that said lines of poles and wires so constructed shall not interfere with the free use of the streets and banquettes for ordinary traffic, and shall be erected and constructed in such manner and of such material as to comply with the terms and requirements of all existing ordinances upon the subject, and the approval of the City Surveyor; provided further, that this permission is granted subject to all the conditions imposed upon telegraph lines and the erection of telegraph poles by any and all general ordinances now in force.

Privileges.

Restrictions.

ART. 2974. (2) That from and after the passage of this ordinance it shall not be lawful to maintain or erect any poles in the streets, ways or public places of this city for the purpose and use of supporting wires for telegraph purposes, except on the conditions hereafter provided in this ordinance.

Poles, etc.

ART. 2975. (3) That said poles shall not be of an elevation, at the lowest wire, less than forty (40) feet from top of curbstone; that their depth of insertion in the earth shall not be less than five (5) feet from top of curbstone, and their dimensions, at a point six (6) feet above the surface or top of curbstone, shall not be less than forty (40) inches in circumference, or thirteen (13) inches in diameter. They shall be straight and have a smooth-planed surface, which shall be painted brown, blue, green or some other color, to distinguish the company owning them, from the ground fifteen (15) feet upward, and thence white to top extremity; in black letters have branded upon them, six (6) feet above the curbstone, the name of the company owning them, and shall be placed upon sidewalks close to and upon

Elevation, dimensions, etc.

the inner face of the curbstone, and shall be taken down and replaced whenever found to be dangerous from decay, splits, breaks or spoils.

Price paid city. ART. 2976. (4) That the said Baltimore and Ohio Telegraph Company, their successors and assigns, bind themselves, and each of them, to pay to the city of New Orleans the sum of five (\$5) dollars per pole per annum, within the limits of the city, bounded by Jackson, Elysian Fields, Roman streets and the Mississippi river. Said payment of five (\$5) dollars per annum for every such pole erected within the limits above described, to be made in consideration of the privilege and advantage of entering upon, and using, and permanently occupying the streets, ways, and places of the city for private profit, and to be paid annually in advance, and all poles outside of said limits to be exempted from said payment.

City's rights. ART. 2977. (5) That in addition to the price paid per annum per pole, as herein set forth, the city shall have the right, under such regulations as may be established by the Council, to use said poles gratuitously for the support of such wires as may be found necessary for the service of the Fire Alarm and Police Departments.

Inspection, etc. ART. 2978. (6) That the location, condition, inspection and placing of said poles shall hereafter be put under the control of the Commissioner of Public Works, the City Surveyor and Chairman of Committee on Streets and Landings, or a majority thereof.

Rights of city. ART. 2979. (7) That nothing in this grant can be construed as giving the said Baltimore and Ohio Telegraph Company the right to permit the use of their poles for the wires of other telegraph, telephone, electric light or electrical appliance, except by and with the consent of the City Council.

Duty of company. ART. 2980. (8) That the said Baltimore and Ohio Telegraph Company shall, before constructing or erecting their poles or lines of poles as herein provided, furnish the Council, through the City Surveyor, with the number of same to be erected, and upon the approval of the same by the Council said company shall at once pay

the amount of five (\$5) dollars per pole, as now fixed by ordinance for the privilege to erect said poles, into the treasury of the city.

ART. 2981. (9) That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed. Repealing clause.

CHAS. E. BLACK, ASSOCIATES, SUCCESSORS OR ASSIGNS.

ART. 2982. (1) That Chas. E. Black, his associates, successors or assigns, are hereby authorized to construct and maintain a line or lines of telephone, telegraphs through the streets of this city, the line or lines to be constructed along such streets, at such point and in such manner, as to the kind and position of telegraph poles, the height of wires above the streets, and in all other particulars, as the Commissioner of Public Works, City Surveyor and Chairman of Committee on Streets and Landings may direct. Franchise,
Ord. No. 1001,
C. S.
Nov. 18, 1884.

ART. 2983. (2) That said telephone company shall, in addition to the price paid per pole per annum, as herein set forth, gratuitously furnish and maintain telephonic apparatus and connection with such public offices, institutions or buildings as the Council may direct, to a total of not exceeding ten (10), and any over that number, if ordered by the Council, shall be paid for at customary rates, and shall balance by appropriate credits all existing charges against the city government in any of its branches for use of any telephones now or hereafter operated. Free to city.

ART. 2984. (3) That from and after the passage of this ordinance it shall not be lawful to maintain or erect any poles in the streets, ways and public places of this city, for the purpose and use of supporting wires for telephone purposes, except on the conditions hereafter provided for in this ordinance. Conditions.

ART. 2985. (4) That said poles shall not be of an elevation, at the lowest wire, less than forty (40) feet from top of curbstone; that their depth of insertion in the earth shall not be less than five (5) feet from the top of curbstone, and their dimensions at a point six (6) Elevation, etc.

feet above the surface or top of curbstone shall not be less than forty (40) inches in circumference, or thirteen (13) inches in diameter. They shall be straight and have a smooth-planed surface, which shall be painted brown, blue, green, or some other color, to distinguish the company owning them, from the ground fifteen (15) feet upward, and thence white to top extremity; in black letters have branded upon them six (6) feet above the curbstone the name of the company owning them, and shall be placed upon sidewalks close to and upon the inner face of the curbstone, and shall be taken down and replaced whenever found to be dangerous from decay, splits, breaks or spalls.

Annual payment.

ART. 2986. (5). That the said Charles E. Black, and his successors and assigns, bind themselves and each of them to pay to the city of New Orleans the sum of five (\$5) dollars per pole per annum, within the limits of the city, bounded by Jackson, Elysian Fields, Roman streets and the Mississippi river. Said payment of five (\$5) dollars per pole per annum for each such pole erected within the limits above described, to be made in consideration of the privilege and advantage of entering upon, and using, and permanently occupying the streets, ways and places of the city for private profit, and to be paid annually in advance, and all poles outside of said limits to be exempted from said payment.

Right of city.

ART. 2987. (6) That in addition to the price paid per annum per pole, as herein set forth, the city shall have the right, under such regulations as may be established by the Council, to use said poles gratuitously for the support of such wires as may be found necessary for the service of the Fire Alarm and Police Departments.

Location and inspection.

ART. 2988. (7) That the location, condition, inspection and placing of said poles shall hereafter be put under the control of the Commissioner of Public Works, the City Surveyor and Chairman of Committee on Streets and Landings, or a majority thereof.

Use of poles.

ART. 2989. (8) That nothing in this grant shall be construed as giving the said Charles E. Black, his successors or assigns, the right to permit the use of

their poles for the wires of other telegraph, telephone, electric light or electrical appliance, except by and with the consent of the City Council.

ART. 2990. (9) That said Charles E. Black, his suc-
cessors or assigns, shall, before constructing or erecting
their poles or lines of poles as herein provided for,
furnish the Council, through the City Surveyor, with the
number of same to be erected, and upon the approval
of the same by the Council said company shall at once
pay the amount of five (\$5) dollars per pole as now
fixed by ordinance (for the privilege to erect said poles)
into the treasury of the city. It being understood that
all poles erected and paid for within the last three
months of any year shall be considered as having been
paid for the ensuing year.

Duty of com-
pany.

ART. 2991. (10) That said grantee, his successors and
assigns, shall, after the passage of this ordinance, and
before its promulgation, furnish to the Mayor a good
and solvent bond in the sum of ten (\$10,000) thousand
dollars, in favor of the city of New Orleans, as a guar-
antee of good faith, on the following condition: That
the said grantee, his successors and assigns, shall,
within a period not to exceed ninety (90) days from the
promulgation of this ordinance, erect not less than fifty
(50) poles on the streets of the city, bounded by Jack-
son, Elysian Fields, Roman streets and the Mississippi
river, necessary and appurtenant to the execution of
this ordinance, and if this condition is not strictly ful-
filled the said bond of ten (\$10,000) thousand dollars
becomes *ipso facto* forfeited to the city as liquidated
damages, and shall be paid to the Mayor, without legal
proceedings or other formalities.

Bond.

Forfeiture.

ART. 2992. (11) That it shall be stipulated in said
bond, and agreed to by the principals and securities
thereon, in addition to the other conditions and obliga-
tions therein expressed, that said grantees shall not
assign the privileges herein granted to any existing com-
pany except by the consent of the Council, nor shall
they enter directly or indirectly into any combination
with any other telephone company, and in either event

Rights not
transferable.

the amount of said bond shall be due and forfeited as liquidated damages to the city of New Orleans, against both principals and securities on said bond.

Future ordi-
nances.

ART. 2993. (12) That all the acts and doings of said company under this ordinance shall be subject to any ordinance or ordinances that may hereafter be passed by the City Council concerning the same.

City not re-
sponsible.

ART. 2994. (13) That nothing contained in this grant and privilege to said company is intended to be construed as binding the city of New Orleans, or making her responsible to any person for any loss, damage or injury which might arise, should the said company or its assigns be in any manner interfered with or deprived of any of these rights or privileges from any cause whatsoever, and in case there is any conflict, or any injury to any rights or privileges heretofore granted by the city to any person or corporation, the said company binds itself to hold the city harmless, and undertakes the obligation to arrange and settle all such conflicts and injuries.

Repealing
clause.

ART. 2995. (14) That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Chas. E. Black,
etc.
Feb. 10, 1885.

ART. 2996. (1) That Charles E. Black, his associates, successors or assigns, are hereby authorized to construct and maintain the telephone and telegraph poles named in Ordinance No. 1001, C. S., to be square instead of round, and the measure not less than nine inches square at the butt and six inches square at the top, free from sap, and in all other respects as to height, depth in the ground, etc., to be the same as is contained in section 4 of said ordinance.

POSTAL TELEGRAPH CABLE COMPANY.

Right of way.
Ord. No. 5363,
C. S.
June 2, 1891.

ART. 2997. (1) That the Postal Telegraph Cable Company, its successors and assigns, are hereby granted permission to construct, operate and maintain a line or lines of telegraph poles and wires within the corporate limits of the city of New Orleans, from a point where the track or tracks of the Louisville, New Orleans & Texas

Railway Company's road crosses Upperline street, between Eleventh and Belfast streets, on and along the right of way of the said Louisville, New Orleans & Texas Railway Company's right of way to where said road crosses the New Canal, if said telegraph company can obtain the consent of said railway company, and may cross all streets and public ways necessary to that end, and from the point where said railway's tracks cross the turnpike or Shell Road on the upper side of said New Canal, along the upper side of said turnpike to Howard avenue, along the upper side of Howard avenue to the point of intersection with Euphrosine street, along Euphrosine street to its intersection with South Rampart street, thence to corner St. Joseph and Carondelet streets, over poles now existing, with the consent of the owners thereof, or underground, as the said Postal Telegraph and Cable Company may elect.

ART. 2998. (2) That said line shall be constructed with poles of cedar or other durable wood, and of a size and length approved by the City Surveyor, and the wires shall be suspended at such distance from the level of the streets and crossings as shall be approved by said Surveyor, who shall also designate where any pole located in any public street shall be placed, and to what distances it shall be inserted in the earth. Such line shall be so constructed as not to come in contact with any other line or lines of wires authorized to be established by any prior ordinance, and in such manner as not to interfere with the free use of the streets and sidewalks for the ordinary purposes of traffic, or impair the drainage of said streets or of the city, and said telegraph company shall restore all pavement or parts of streets that may be disturbed in the erection of said line of telegraph to the same condition as before such disturbance.

Construction.
Ib.

ART. 2999. (3) That this ordinance take effect from and after its promulgation.

NEW ORLEANS TELEPHONE COMPANY.

Right of way.
Feb., 1879.
A. S. 4906.

ART. 3000. (1) That the New Orleans Telephonic Exchange is hereby authorized to construct and maintain a line or lines of telegraph through the streets of this city, the line or lines to be constructed along such streets, at such points and in such manner as to the kind and position of the telegraph poles, the height of the wires above the streets, and in all other particulars, as the Administrator of the Department of Improvements of this city may direct; provided, however, that the said company shall connect their wires with the Mayor's office, Chief of Police's office and Fire Alarm Telegraph office, and place and keep telephones therein, free of charge to the city, so that the said telephones may be used in connection with all wires under the control of said company.

Conditions.
Ib.

ART. 3001. (2) That all the acts and doings of said company under this ordinance shall be subject to any ordinance or ordinances that may hereafter be passed by the City Council concerning the same.

S. P. WALMSLEY, CHARLES H. SCHENCK AND ASSOCIATES.

Franchise.
Ord. No. 10,751,
C. S.
May 21, 1895.

ART. 3002. (1) That S. P. Walmsley, Chas. H. Schenck, William P. Nicholls, Thomas W. Castleman, Harry Allen, Lafayette D. Carroll, Francis S. Shields and Louis T. Bradfield, their associates, successors and assigns—hereinafter referred to as grantees—are hereby authorized to construct, maintain and operate, for the term and period of twenty-five years from and after the passage of this ordinance, a telephone exchange in the city of New Orleans, and in connection therewith a line or lines of telephone wires in, over and through the streets, sidewalks, alleys, public places, etc., of said city, said line or lines to be constructed along such streets and places, and in such manner as to the kind and position of poles, the height of wires above the ground, and all other particulars, as the Commissioner of Public Works, the Commissioner of Police and Public Buildings and the City Engineer, or any two of them,

may direct, subject to the provisions of this ordinance; provided, said grantees shall have the right at any time to place and locate their wires, lines and cables under ground in and through said streets, sidewalks, alleys, public places, etc., in tubes or conduits, or in such other manner as may be approved by said Commissioners and Engineer, or any two of them.

ART. 3003. (2) That the poles used for supporting Elevation, etc. the wires of said system shall be of such height that the lowest wires shall not be less than thirty feet above the curbstone; that they shall be straight and have a smooth, plain surface, and shall be painted of a uniform color (brown, blue, green or such other color as may be selected, to distinguish the lines of said grantees from the poles of other owners or companies), from the ground fifteen feet upward, and thence white to the top, and shall have black letters painted or branded upon them, showing the name of the owner or owners thereof; that they shall be inserted into the earth not less than five feet from the top of the curbstone; that each pole shall measure, at a point six feet above the surface of the curbstone, not less than forty inches in circumference, or thirteen inches in diameter, and that they shall be placed upon the sidewalk nearest to and on the inner surface of the curbstone, and shall be taken down and replaced whenever found dangerous from decay, splits, breaks or other causes. The said grantees shall be required to keep two 4¼-inch gaps open two feet apart at the top of each pole, for the purpose of receiving cross arms for the wires of the Fire Alarm and Police Department.

ART. 3004. (3) That said grantees, or the corporation Charges. Ib. to be formed by them, shall furnish telephones and all proper apparatus and devices for telephonic service to persons desiring to subscribe for the same, and that the charges to subscribers for furnishing telephones for their use and for service in connection therewith shall not exceed the following rates per annum, viz.: For each telephone located within two miles of the telephone exchange, or central station, the yearly charge shall not exceed \$45

for business houses, nor \$35 for residences; and for each telephone located more than two miles from said telephone exchange or central station, such additional rates may be added as shall be commensurate with the expense caused by the additional cost of construction and service; provided, that within three miles of said exchange the charges per annum shall not exceed \$62.50 for business houses, nor \$50 for residences, and that in no case shall the annual charge for each telephone exceed \$75 for business houses, nor \$60 for residences; and provided further, that said grantees shall not be compelled to supply any subscriber in the Fifth Municipal District, or make connection with any point across the Mississippi river, within one year from the beginning of operations; it being distinctly understood that one year after the commencement of operations by the aforesaid named grantees, the said grantees shall furnish to all parties applying for their service in the Fifth Municipal District under the same terms and conditions as hereinbefore provided for the other sections of the city.

Inspection, etc.

Ib.

ART. 3005. (4) That the location, condition, inspection and placing of the poles of said grantees, and of the corporation to be formed by them, shall be under the control of the Commissioner of Public Works, the Commissioner of Police and Public Buildings, the City Engineer, the decision of the majority to be final and conclusive.

Consent of Council.

Ib.

ART. 3006. (5) That nothing in this grant or ordinance shall be construed as giving to the grantees herein named, their successors or assigns, the right to permit the use of their poles for the wires of telegraph, telephone, electric light, electrical or other appliances, belonging to any other person or company, except by and with the consent of the Council.

Organization.

Ib.

ART. 3007. (6) That said grantees shall have the right to form and organize a corporation which shall acquire the rights and privileges herein granted, and shall operate under this ordinance, but neither said

Assignment.

grantees nor said corporation shall assign the privilege herein granted to any company or person without the consent of the City Council.

ART. 3008. (7) That nothing contained in this grant and privilege is intended to be construed as binding the city of New Orleans, or making it responsible to any person or persons, for any loss, damage or injury which might arise, should said company or its assigns be in any manner interfered with or deprived of any of its rights from any cause whatsoever; and in case there is any injury to any person or corporation the said grantees, their successors and assigns are to hold the city harmless, and to arrange and settle all such injuries.

City not responsible.
Ib.

ART. 3009. (8) That the said grantees shall connect their wires with the Mayor's office, the office of the Chief of Police, the Fire Alarm Telegraph office, City Council Chamber and the Coroner's office, and shall place, keep and operate telephones therein free of charge to the city, so that said telephones may be used in connection with all wires under the control of the company.

City's rights.
Ib.

ART. 3010. (9) That nothing herein shall be taken or considered as in any manner exempting or releasing said grantees from payment of any tax or license now provided for by the ordinances of the city.

Tax or license.
Ib.

ART. 3011. That whenever any new sytem suitable for this city shall be discovered or introduced by which the use of poles for the purpose set forth in this ordinance may be dispensed with, the City Council shall have the right of ordering the said poles removed and the new sytem adopted; also, that the said grantees may at any time adopt any such new system with the consent of the City Council.

New systems.
Ib.

ART. 3012. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing clause.
Ib.

GREAT SOUTHERN TELEPHONE AND TELEGRAPH COMPANY.

ART. 3013. That Ordinance No. 9314, adopted June 5, 1894, and approved June 7, 1894, be amended and re-enacted so as to read as follows, to-wit:

ART. 3014. That the Mayor be and he is hereby authorized and directed to enter into a notarial contract

Contract with with the Great Southern Telephone and Telegraph Com-
 city.
 Ord. No. 9600, pany for the erection and maintenance of a system of
 C. S.
 Aug. 28, 1894. telephonic communication with the various engine houses
 constituting the Fire Department of the city of New Or-
 leans and the Fire Alarm office in the City Hall, as well
 as a general communication with the trunk lines to the
 Central Telephone Exchange, and with the general sub-
 scription of the city of New Orleans, limited to forty
 (40) stations. The said contract to be for and in con-
 sideration of the sum of three thousand dollars per an-
 num, and to date from January 1, 1895, and to continue
 in force for a period of five (5) years from said date. It
 is agreed and understood that any equipment in excess
 of the forty stations above specified shall be charged for
 in the same proportion, and it is further agreed and un-
 derstood that the Great Southern Telephone and Tele-
 graph Company shall immediately and without delay
 proceed to erect and place said engine houses in tele-
 phonic communication as above described, and that no
 charge therefor shall be made to the city of New Orleans
 for the said service for the balance of the year 1894.

A. P. MOSS, G. B. PENROSE AND OTHERS.

Franchise.
 Ord No. 10,752.
 May 21, 1895. ART. 3015. (1) That A. P. Moss, G. B. Penrose, W.
 P. Richardson and J. W. Stone, their associates, suc-
 cessors and assigns, hereinafter referred to as grantees,
 are hereby authorized to construct, maintain and oper-
 ate, for the term and period of twenty-five years from
 and after the passage of this ordinance, a telephone ex-
 change in the city of New Orleans, and in connection
 therewith a line or lines of telephone wires in, over,
 under and through the streets, sidewalks, alleys, public
 places, etc., of said city, said line or lines to be con-
 structed along such streets and places and in such man-
 ner as to the kind and position of poles, the height of
 wires above the ground and all other particulars as the
 Commissioner of Public Works, Commissioner of Police
 and Public Buildings and the City Engineer, or any
 two of them, may direct, subject to the provisions of
 this ordinance; provided, said grantees shall have the

right at any time to place and locate their wires, lines and cables under ground in and through said streets, sidewalks, alleys, public places, etc., in tubes or conduits, or in such other manner as may be approved by said Commissioners and Engineer, or any two of them.

ART. 3016. That the poles used for supporting the wires of said system shall be of such height that the lowest wires shall not be less than thirty feet above the curbstone; that they shall be straight and have a smooth, plain surface, and shall be painted of a uniform color (so as to distinguish the lines of said grantees from the poles of other owners or companies) from the ground fifteen feet upward, and shall have letters painted or branded upon them, designating the owner or owners thereof; that they shall be inserted into the earth not less than five feet from the top of the curbstone; that each pole shall measure, at a point six feet above the surface of the curbstone, not less than twelve inches in diameter, and that they shall be placed upon the sidewalk nearest to, and on the inner surface of, the curbstone, and shall be taken down and replaced whenever found dangerous from decay, splits or breaks. The said grantees shall be required to keep two 4 $\frac{1}{4}$ inch gains open two feet apart at the top of each pole, for the purpose of receiving cross-arms for the wires of the Fire Alarm and Police Departments.

Poles and
wires. Ib.

ART. 3017. (3) That said grantees, or the corporation to be founded by them, shall furnish telephones and all proper apparatus and devices for telephonic service to persons desiring to subscribe for the same, and that the charges to subscribers for furnishing telephones for their use and for service in connection therewith shall not exceed the following rates per annum, viz. :

Service. Ib.

Within two miles of the telephone exchange, for each telephone, the yearly charge shall not exceed \$48 for places used for business purposes; nor \$36 for private residences, and for points exceeding the two-mile limit, within the city proper, and in the Fifth Municipal District, \$65. For suburban points at prices as may be contracted for. Grantees have the right to establish public pay stations.

Charges.

Property of
other com-
panies.

Ib.

ART. 3018. (4) That nothing in this grant or ordinance shall be construed as giving to the grantees herein named, their successors or assigns, the right to permit the use of their poles for wires of telegraph, telephone, electric light, electrical or other appliances, belonging to any other person or company except by and with the consent of the Council.

To organize
corporation.

Ib.

ART. 3019. (5) That said grantees shall have the right to form and organize a corporation which shall acquire the rights and privileges herein granted, and shall operate under this ordinance, but neither said grantees nor said corporation shall assign the privileges herein granted to any company or person without the consent of the City Council.

City not re-
sponsible.

Ib.

ART. 3020. (6) That nothing contained in this grant and privilege is intended to be construed as binding the city of New Orleans, or making it responsible to any person or persons for any loss, damage or injury which might arise should said company or its assigns be in any manner interfered with or deprived of any of its rights from any cause whatsoever; and, in case there is any injury to any person or corporation, the said grantees, their successors and assigns, are to hold the city harmless, and to arrange and settle all such injuries.

New systems.

Ib.

ART. 3021. That whenever any new system, suitable for this city, shall be discovered or introduced by which the use of poles for the purposes set forth in this ordinance may be dispensed with, the city shall have the right of ordering the said poles removed and the new system adopted; also, that the said grantees may at any time adopt any such new system with the consent of the City Council.

Taxes.

Ib.

ART. 3022. That nothing herein shall be taken or considered as in any manner exempting or releasing said grantees from the payment of any tax or license now provided for by the ordinances of the city.

Furnish city
free of charge.

Ib.

ART. 3023. That the said grantees shall connect their wires with the Mayor's office, the office of the Chief of Police, City Council Chamber and the Fire Alarm Tele-

graph office and the Coroner's office, and shall place, keep and operate telephones therein free of charge to the city, so that said telephones may be used in connection with all wires under the control of the company.

ART. 3024. That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed. Repealing
clause. Ib.

Ordinance No. 10,637, C. S., repealed by Ordinance No. 10,750, C. S.

Ordinance No. 5191, C. S., authorizes the substitution of higher poles on St. Charles avenue.

For Telephone connection with Fire Department, see Fire Department.

DECISION.

The State and municipal corporations duly authorized can, in the exercise of the rights of eminent domain and of police, empower telephonic companies to use the streets and sidewalks of a city for the purpose of erecting poles and other works necessary for the transmission of intelligence, and can impose terms and conditions for the enjoyment of the privilege. 37 An. 63.

ACTS OF LEGISLATURE.

Right of way given to telegraph company. Sec. 3760, R. S.

Duty of company to transmit certain dispatches. Sec. 3761, R. S.

Penalty for injuring lines of telegraph. Sec. 3762, R. S.

Penalty for failing or refusing to send messages. Sec. 3763, R. S.

Not to transmit messages tending to defeat the ends of justice. Sec. 3764, R. S.

REVISED STATUTES.

SEC. 3760. Corporations formed under the laws of this State for the purpose of transmitting intelligence by magnetic telegraph shall have the right of way over all lands owned by the State, and over any highways or navigable waters, but shall so construct their works as not to interfere with, impede or hinder the free use of the highways or navigable waters, or the drainage or natural servitudes of the land over which the right of way may be exercised. 1855-109.
Right of way
given to tele-
graph com-
panies.

SEC. 3761. All telegraph companies shall be bound, on application of any officer of this State, or of the United States, in the event of any war, insurrection or resistance of public authority, or whenever it may be necessary for the prevention of crime, or the arrest of persons accused of crime or fleeing from justice, to give their communications immediate dispatch; and if any officer, clerk or operator shall refuse or intentionally omit to transmit Duty of tele-
graph com-
panies to trans-
mit certain dis-
patches.

such communication, or shall designedly alter or falsify the same for any purpose whatever, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one thousand dollars and imprisoned not longer than one year. It shall be further their duty to transmit all communications which are not immoral or contrary to law or public policy that are presented by persons offering to pay the usual rates therefor, and in the order in which the applications are made.

Penalty for failure to do so.

1855-190.
Penalty for injuring lines of telegraph.

SEC. 3762. Whoever shall unlawfully and intentionally injure, molest or destroy any line of telegraph, the lines, posts, abutments, materials or property belonging thereto; or who shall molest or interfere with, or in any way interrupt the use or operation of any line of telegraph, or part thereof, shall on conviction be punished by fine not exceeding five hundred dollars, or imprisonment in the penitentiary not exceeding one year, or both, at the discretion of the court.

Telegraphs—penalty for failing or refusing to send messages.

SEC. 3763. Any operator, clerk, director, messenger, or other person in the employ of any telegraph company, having an office or station in this State, who shall refuse or omit to send or deliver any dispatch or message for which the charges or fees shall have been paid or offered to be paid, or for the payment of which a contract shall have been made; or cause or direct to be detained or delayed such dispatch or message in order to give precedence to a message or dispatch subsequently brought to the office or station; or who shall in any way give precedence of time in sending or delivering any dispatch or message belonging to a director, officer, stockholder of such company, or other person, over any dispatch or message previously offered for transmission; or who shall reveal, make use of or make public any dispatch or message, shall on conviction be fined not less than fifty nor more than one thousand dollars, one half to the Charity Hospital of New Orleans, and the other half for the use of the parish in which the offence is committed, and shall be answerable in damages to the party injured.

For any subsequent offence the person so offending shall also be subject to imprisonment in the parish prison for a period not more than three months.

Not to transmit messages tending to defeat the ends of justice.

SEC. 3764. No operator or agent of any telegraph company shall be permitted to transmit any message which can in any way tend to defeat the ends of justice, by preventing the apprehension of fugitives from justice, or by communicating such information as may enable persons charged with offences to escape. Any person so offending shall be imprisoned not less than twelve months nor more than two years, at hard labor, and fined no less than two hundred and fifty dollars nor more than five hundred dollars.

THEATRES—See AMUSEMENTS.

TREASURER, CITY—See TAXES AND LICENSES.

ART. 3025. That the Treasurer is hereby designated as the proper officer to subrogate the city's liens and mortgages as per act ninety-six, section seventy-nine, extra session of the General Assembly of 1877.

City liens and mortgages.
A. S. 4062.
Jan., 1877.

ART. 3026. That the Treasurer be directed to make out a list of property acquired by the city of New Orleans by sale from the Civil Sheriff by Act 155 of 1894, or as much of said property as the Treasurer may deem advisable to be sold, and as soon as completed to turn over said list to the Comptroller for advertisement according to law.

Duty of Treasurer.
Ord. No. 10,955.
C. S.
July 2, 1895.

ART. 3027. That the Comptroller, upon the receipt of said list from the City Treasurer, be and is hereby directed either to sell said property for account of the city of New Orleans with the proviso that not less than the amount due to the city as taxes and expenses, including State taxes due, shall be received in payment thereof, or, upon the advice of the Mayor, Comptroller and City Treasurer, that the Comptroller be directed to send up a list of so much of said property as may be considered as revenue producing in the way of collection of rents to the City Attorney with instructions that said officer be directed to take such measures as may be necessary to enforce the collection of rents.

Duty of Comptroller.
Ib.

ART. 3028. This ordinance will take effect from and after its passage.

Take effect.
Ib.

ART. 3029. That in all cases in which remission of interest on taxes has been heretofore or shall be hereafter granted by this Council on any property sold for city taxes and adjudicated to the city, the Treasurer shall require, in addition to the capital of said tax, the payment of all costs incurred by the city in effecting said sale, and one dollar for each redemption certificate to be issued.

Costs, penalties, etc., to be collected.
Ord. No. 5421,
C. S.
July 7, 1891.

That in all such cases the twenty per cent. redemption fee shall not be charged unless required by the ordinance.

Property adjudicated to city.
Duty of Treasurer.
Ord. No. 5090.
C. S.
Jan. 27, 1891.

ART. 3030. That the Treasurer be directed to make and sign the necessary deeds for all property already adjudicated and to be hereafter adjudicated to the city of New Orleans at city tax sales, and to have the same registered in the Conveyance office of this parish; expenses to be paid out of item 36 of budget of 1891.

ACT 56 OF 1894.

To vest the collection of Poll Taxes for the parish of Orleans in the Treasurer of the city of New Orleans.

Vesting the collection of poll tax in the City Treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That the collection of poll taxes in the parish of Orleans, together with all the processes, commissions and obligations incidental thereto, as now provided by law, be vested in the Treasurer of the city of New Orleans.

SEC. 2. *Be it further enacted, etc.*, That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

TREES—See OFFENCES, RAILROADS, STREETS, SIDE-WALKS AND GUTTERS.

TORPEDOES—See COMBUSTIBLES, ETC.

TOURO ALMSHOUSE—See ALMSHOUSES, ETC.

TOWERS, CABLE.

Maurice J. Hart, etc.
Franchise.
Ord. No. 2145.
C. S.
March 8, 1887.

ART. 3031. (1) That Maurice J. Hart, his heirs, assigns and successors, be and are hereby granted the right for the space of fifty years to erect and construct in the streets and on other public property, and on private property with the owner's consent, within the district bounded by Delord and Esplanade streets and the river and Rampart street, a system of towers or sup-

ports for the purpose of carrying all wires and cables, whether for telephone, electric lights, telegraph or other electrical objects, and said Hart, his heirs, assigns and successors, shall, at all times during said fifty years, have the right to extend this system of supports and towers through any and all parts of the city.

ART. 3032. (2) That the said towers or supports shall be constructed in such manner as to offer the least possible impediment to the use of the banquettes or streets, to be of star iron work of the lightest character compatible with the work to be done, and to have cross-arms of wood or other material for the support of the wire. They shall be kept painted and present a neat appearance, and the lower wires thereon shall not be less than ten feet above the roof of the buildings near where a tower is located, except when located upon neutral grounds, or at any considerable distance from the nearest buildings.

Towers, etc.,
how construct-
ed.

ART. 3033. The said towers, when planted or located at the corners or intersection of streets, shall have their legs or angles fixed at the corners or angles of the sidewalks, unless upon advice of the Commissioner of Public Works other positions for said legs or angles shall be selected. The whole of the said construction of towers or supports shall be under the supervision of the Commissioner of Public Works.

Locations.

ART. 3034. (3) That the said towers or supports shall be arranged or divided into sections, each section, or series of sections, to be devoted to some particular class of electric wires; as one for arc lighting, another for incandescent lighting, another for telephone wires, another for telegraph, and so for all other purposes for which wires or cables or other electrical conductors may be run; and said grantee, M. J. Hart, his heirs, assigns and successors, shall have and are hereby given the right to fix, charge and collect a price or hire not exceeding five hundred dollars per mile for a horizontal section or division of three by five feet upon every tower and support within said mile for occupation by not more wires or cables than shall, together, be of the weight of

Divided into
sections.

Charges per
mile.

one hundred number ten wires, American measurement (say Brown & Sharp's), and no person shall claim or demand any right to have a less price for a smaller space or less weight.

Trunk lines. ART. 3035. (4) That there shall be four trunk lines, respectively, on Rampart, St. Charles, Magazine and Tchoupitoulas streets, and that the said grantee, his heirs, assigns or successors, shall begin work within six months from the passage of this ordinance, and shall finish the same as required hereby, within two years from the adoption of this ordinance.

When to be finished. **Removal of posts, etc.** ART. 3036. (5) That whenever, in the course of construction or erection of any of said towers or supports, it shall be found necessary to remove or displace any post, pole, awning, sign, support or other thing in or upon the public places, banquettes or streets, the said grantee, his heirs, agents, assigns and successors, shall have the right to remove or displace any post, pole, awning, sign, support, or thing or things, and to occupy the place or places from which said removal shall have been made.

By other companies. ART. 3937. (6) That whenever the said grantee, his heirs, assigns, agents or successors, shall be ready, with any of their said towers or supports, to receive wires running through the street or streets of the city, and supported by poles, posts, or other supports, it shall be the duty of the various persons, companies or corporations owning said wires and posts or poles, to remove the same from the said street or streets and sidewalks without delay, and to repair and put back in order the street or banquette at the point where said posts or poles have stood; and it shall be the duty of the city officers to enforce this section, and such steps shall be taken by the said officers and such ordinances passed by the city as may be found necessary to clear the street and banquettes of said posts and other obstructions or poles for electric wires other than the towers and supports to be constructed under this ordinance.

ART. 3038. (7) That whenever any of said towers or supports, shall be ready for wires, all persons or com-

panies having telegraph, telephone, electric light or other electrical wires running through the streets of the city, or who shall desire to run such wires through the streets, shall run them upon the towers and supports constructed pursuant to this ordinance; the purpose and intent of this ordinance, in the public interest, being to keep the streets free of obstructions, to provide a safe and easily inspected and maintained system of supports, to prevent the confusion which arises from the separate control of several distinct and different systems of running electric wires through the streets and to protect life and property from danger and fire, and to secure, without cost to the city or its taxpayers and inhabitants, the said improved and easily supervised system.

Wires of other companies to be placed on said towers.

ART. 3039. (8) That no person or persons shall fasten or affix any lines, ropes, wire or other material, or attach any notice, poster or sign, electric or other light to said towers or supports, unless by the consent of the said Hart, his heirs, assigns and successors, nor shall any person or persons deface or injure any part of said structures, towers or supports, and any person doing any act in violation of the provisions of this section shall be subject to a fine of twenty-five dollars, or in default of same, imprisonment in the parish jail for thirty days, to be enforced before the Records of the city of New Orleans, or in any other manner permitted by law.

Wires, etc., prohibited.

Penalty.

ART. 3040. (9) That the officers of the city of New Orleans are hereby directed and required to enforce all the provisions of this ordinance, and such ordinances shall be passed from time to time as may be needed for the purpose of carrying out the provisions of this ordinance, maintaining the rights and enforcing the obligations herein granted or stated.

Police.

ART. 3041. (10) That in consideration of the foregoing, said Hart, his heirs, assigns and successors, shall pay to the city of New Orleans 5 per cent. of the annual profits derived from the occupation of said towers by electric wires; and further, he, said grantee, his heirs, assigns and successors, shall provide a pipe of suit-

Amount to be paid city.

Water pipes. able size to be permanently fixed and run upon each of the towers from the ground upward, to be used as a fire pipe or hose, said pipe to be fitted for attachment to the pumping fire engines now in use in the city, and to have openings at various distances along its entire length, each opening to be fitted for the attachment of hose for water for the extinguishment of fires; and further, said grantee, his heirs, assigns and successors, shall at all times allow the city of New Orleans to run its fire alarm and other wires belonging to the city upon the towers or supports free of cost.

**Organiz tion
of Stock Co.**

Rights of.

ART. 3042. (11) That the said grantee, his heirs, assigns and successors, shall have the right to organize a stock company for the purpose of carrying out this ordinance, and the contract to be entered into thereunder, and said grantee, his heirs, assigns and successors, or the said company, shall have the right to mortgage all rights, franchises and powers or property obtained by or under this ordinance for the purpose of constructing, running and managing the said towers and supports in the business therewith connected.

ART. 3043. (12) That in order to ascertain the amount of profits realized by the grantees, the City Treasurer shall at any and all times have access to the books of said grantee or his successors and assigns, and any refusal on their part to allow such access to said officer will be sufficient cause to operate a forfeiture and cancellation of all the rights and privileges granted by this ordinance.

ART. 3044. (13) That upon signing said contract the grantee or grantees thereunder shall furnish bonds with good and solvent security to the satisfaction of the Mayor, in the sum of \$25,000, conditioned that they shall well and faithfully carry out all of their obligations under this ordinance.

**City held
harmless.**

ART. 3045 (14). That in the contract to be executed under this ordinance and by the bond above referred to, the grantee or grantees shall bind themselves, and each of them, to hold the city of New Orleans harmless from any action which may be brought by any party or

parties to be affected by any of the provisions of this ordinance.

ART. 3046. (15) That any electric light company which may now have or in the future obtain from the city the privilege of erecting lights or lamps shall have the full right to place the same on any of said towers upon payment of an annual rental not to exceed five dollars per light or lamp. Other com-
panies.

ART. 3047. (16) That the Mayor be and is hereby instructed to enter into notarial contract for the purposes of carrying out and executing this ordinance, and that all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed. Mayor to con-
tract.

Ordinance No. 2145, C. S., March 8, 1887.

Ordinance No. 3630, C. S., extend time for completion of towers, two years.

Ordinance No. 5222, C. S., permission to erect tower corner Poydras and Dryades streets.

Ordinance No. 5223, C. S., fixing time for completion of towers.

Ordinance No. 6274, C. S., fixing time for completion of towers.

TRUST FUNDS—See ALMSHOUSE, ETC.

VACANCIES.

See sections 54, 55, 56 and 57, City Charter.

VACANT HOUSES—See OFFENCES.

VAGRANTS AND IDLE PERSONS.

See HOUSE OF REFUGE.

ART. 3048. (1) That all idle persons having no visible means wherewith to support and maintain themselves,

Definition.
A. S., 1025.
Aug., 1871.

and who live without employment; all persons wandering abroad or about the streets, wharves, landings, public squares or places, and lodging in beer houses, market places, sheds, barns, uninhabited buildings, or in the open air, and not able to satisfactorily account for such act and conduct; all persons who, without any apparent means of honestly earning their livelihood and support, or who live in or habitually loiter about and frequent houses or places known by the police authorities to be harboring places for and resort of thieves, burglars and suspicious characters; all persons who shall have been officially reported to the police authorities of the police district in which the city of New Orleans is included, by the police authorities of any other State or city in the United States, as a notorious thief or criminal, and who shall remain in the city of New Orleans without honest employment, without some honest avocation, twenty-four hours after the police authorities shall have notified such person that his character is known to them; all persons who follow the occupation of enticing strangers and other persons to visit gambling houses or to gamble; all ropers and cappers and such persons as are commonly known as pimps; all persons who follow gambling for a vocation and depend on gambling games, or furnishing rooms, tools or implements for playing games as a means of subsistence and income; all persons who are habitual beggars and who beg on the streets, or who go from house to house soliciting alms, without first having obtained a permit therefor from the Mayor of the city; all habitual drunkards who shall abandon their families, or neglect or refuse to aid in the support thereof, and who shall be complained of by any member of their family, shall be deemed and are hereby declared to be vagrants, and it shall be the duty of the members and officers of the police to arrest all such persons when found within the limits of the city of New Orleans and bring them before any Recorder holding his court within the city, who shall hear and determine the charge and accusation made against such person without unreasonable delay, and if he shall find the accused to be guilty and a vagrant according to the provi-

Police to make
arrest.

1b.

sions of this ordinance, such Recorder shall impose on such vagrant a fine not exceeding one hundred dollars, and in default of payment of such fine and all the costs, may commit such vagrant to the workhouse for a term of imprisonment not exceeding one calendar month, without fine, as in his discretion shall best subserve the ends of justice.

Penalty. Ib.

ART. 3049. (2) That all persons who shall, within the limits of the city of New Orleans, establish, maintain or keep any tavern, boarding house, grocery house, grog shop, as a resort for thieves, burglars or notorious criminals, knowing such persons to be reported thieves, burglars and criminals, or vagrants without any apparent honest vocation, business or means of support, and all persons keeping, establishing or maintaining any place or places known to be the resort of thieves, burglars, criminals, or persons by the first section of this ordinance declared to be vagrants, may be arrested and brought before any Recorder in the city, and upon conviction shall be fined the sum of \$100, and in default of payment of fine shall be committed to the workhouse for a term not exceeding one calendar month, and upon a second conviction, under this section, it shall be the duty of the Recorder to commit the offender to the workhouse for the full term of one calendar month, which punishment shall be repeated on each subsequent conviction of such offender.

Harboring
burglars
thieves and
vagrants. Ib.

Penalty. Ib.

JUVENILE VAGRANTS.

ART. 3050. (1) All children found pilfering; all children found begging within the limits of the city; all children found gathering waste merchandise, lost or refuse articles, unless the same be the property of their guardians, employers or parents; all children engaged in any occupation dangerous to their morals, or of a tendency to produce habits of idleness and vice; all children who are left in idleness and attend no school; all children who are left without education and learn no honest trade and occupation; all children abandoned to themselves, or who are not provided for by their parents

Definition.
Nov., 1851.

with the protection and care which the law requires, shall be deemed juvenile vagrants, and shall be brought before the Mayor or Recorder, or any other competent court, and shall be disposed of according to the laws establishing houses of juvenile delinquents and vagrants.

Punishment of
juvenile
vagrants.

Ib.

ART. 3051. (2) In every case where a child shall become a vagrant, or fall within the description contained in the several classes of the preceding article, in consequence of the act or neglect of the parent or guardian, such parent or guardian shall be subject to a fine of one hundred dollars for each offence; and in case the said parent or guardian shall neglect or refuse to pay said fine, he or she shall be imprisoned until said fine be paid; provided, that said imprisonment shall not exceed one month.

Duty of po-
lice.

Ib.

ART. 3052. (3) Every policeman, whenever any violation of this ordinance shall come within or is brought to his knowledge, shall immediately arrest the offending child, parent or guardian, and bring him before the proper authority, to be dealt with according to law.

Duty of City
Attorney.

ART. 3053. (4) In all cases arising under this ordinance, whenever the intervention of any of the district courts shall be deemed necessary by the Recorders or Mayor, in order to enforce this ordinance or deprive an unworthy parent of the keeping or tutorship of a child, or to cause a child to be committed by a district court to the care of the House of Refuge, it shall be the duty of the Attorney of the city, whenever required by either of the said magistrates, to institute and prosecute the necessary proceedings or defend the case.

IDLE PERSONS.

"To move on"
A. S. 5046.
May, 1879.

ART. 3054. (1) That every person being able, either wholly or in part, to maintain himself or herself or his or her family, by work or by other means, and wilfully refusing or neglecting so to do; every idle person who, not having visible means to maintain himself or herself, lives without employment; every person who (after having been directed by any officer or member of the police force to move away therefrom) shall remain or

loiter in front of or in the neighborhood of any church or other place of public worship, during the service therein, or while the members of its congregation are repairing to or returning from said church or other place of public worship; every person who (after having been directed by any officer or member of the police force to move away therefrom) shall remain or loiter in front of or in the neighborhood of any theatre, concert hall, ball-room, or other place of public amusement, during the time that such places shall remain open to the public, or while the public are repairing thereto or returning therefrom; every person who (after having been directed by any officer or member of the police force to move away therefrom) shall remain or loiter in front of or in the neighborhood of any coffee-house, barroom or beer saloon situated within the limits of the city of New Orleans; every person who shall, without legitimate business thereat, remain, loiter or idle his time on the sidewalks or public streets within the limits of the city of New Orleans between the hours of 10 A. M. and 12 P. M. (after having been notified to move therefrom by any officer or member of the police force); every common prostitute wandering in the public streets or public highways, or in any place of public resort, and behaving in a riotous or indecent manner; every habitual drunkard who shall abandon his or her family, or shall refuse or neglect to aid in the support of his or her family, shall be deemed an idle and disorderly person within the true meaning and intent of this ordinance; and it shall be lawful for any Recorder or Justice of the Peace, vested with criminal jurisdiction (such offenders being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence, on oath, of one or more credible witness or witnesses) to punish such offenders by imposing a fine of not less than ten nor more than twenty-five dollars, or in default of the payment of such fine, imprisonment in the parish prison for any time not less than ten nor more than thirty days.

Not to loiter
in front of
theatres and
churches.

Definition of
idle and dis-
orderly persons

Penalty.

ART. 3055. (2) That every person wandering abroad

Rogues and vagabonds.
A. S. 5086.
May, 1879.

and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or wagon, not having any means of subsistence, and not giving a good account of himself or herself; every person wilfully exposing to view in any street, road, highway or public place, or selling or offering for sale any obscene print, picture, or other indecent exhibition; every person wilfully, openly, lewdly and obscenely exposing his person in any street, road or public highway, or in view thereof, or in any place of public resort, with intent to insult any female; every person wandering abroad and endeavoring by the exposure of wounds or deformities to obtain or gather alms; every person going about as a gatherer or collector of alms, or endeavoring to procure charitable contributions of any nature or kind, under any fraudulent pretence; every person playing or betting in any street, road, highway or other open and public place, at or with any table or instrument of gaming, at any game or pretended game of chance; any person found armed with any dangerous or offensive weapon or instrument whatever, with intent to break or enter into any dwelling house or other building whatsoever, and to commit any felony therein; or shall be found having in his possession, without lawful excuse (the proof of which shall lie on such person), any picklock, key, crow, jack, bit or other instrument of house breaking; or shall be found by night having his face blackened or otherwise disguised, with intent to commit any felony; or shall be found by night in any dwelling house or other building whatsoever, with probable intent to commit any felony therein; every reputed thief, frequenting any river, canal or navigable stream, dock or basin, within the city of New Orleans, or any warehouse near or adjoining any such river, canal or navigable stream, dock or basin, or found in or near any hotel, railroad depot, or theatre or other place of amusement, or any place of public resort, or any avenue leading thereto, or any street, highway or place adjacent, with probable intent to commit felony, shall be deemed a rogue and vagabond within the true intent and mean-

ing of this ordinance; and it shall be lawful for any Recorder or Justice of the Peace vested with criminal jurisdiction (such offender being thereof convicted before him by his own view or by the confession of such offender, or by the evidence on oath of one or more credible witness or witnesses) to punish such offenders by imposing a fine of not less than ten nor more than twenty-five dollars, or in default of the payment of such fine, to imprisonment in the parish prison for any time not less than ten nor more than thirty days.

Penalty.

ART. 3056. (3) That it be and it is hereby made the duty of any officer or member of the police force to direct every person to move away from in front of or from the neighborhood of any church or other place of public worship, during the service therein, or while the members of its congregation are repairing thereto or therefrom; it is further made the duty of any officer or member of the police force to direct every person to move away from the front or the neighborhood of any theatre, concert hall, ball-room or other place of public amusement, during the time that such place shall remain open for the public, or while the public are repairing thereto or therefrom; and it shall be the further duty of any officer or member of the police force to direct every person to move away from the front or the neighborhood of any coffee-house, barroom or beer saloon situated, or from any sidewalk or the public streets within the limits of the city of New Orleans; and in case any officer or member of the police force shall refuse or neglect to perform any of the duties required by the third section of this ordinance, or shall not use his best endeavors to apprehend and to convey before some Recorder or Justice of the Peace, vested with criminal jurisdiction, any person that he shall find offending against any of the provisions of this ordinance, it shall be deemed a neglect of duty in such officer or member of the police force, and he shall (on conviction thereof before the said Recorder or Justice of the Peace, vested with criminal jurisdiction, by the confession of such officer or member of the police force,

Duty of police.

Penalty.

or by the evidence on oath of one or more credible witness or witnesses) be punished by a fine of not less than ten nor more than twenty-five dollars, or in default of payment of such fine, by imprisonment in the parish prison for any time not less than ten nor more than thirty days.

REVISED STATUTES.

1855-1860.
Definition of
vagrants.

SEC. 3877. All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, taverns, beer houses, market places, sheds, barns, uninhabited buildings, or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, highways, passages, or other public places, to beg or receive alms; habitual drunkards, who shall abandon, neglect or refuse to aid in the support of their families, and who may be complained of by their families, shall be deemed vagrants.

Adult va-
grants, how
dealt with.

SEC. 3878. It shall be the duty of any Sheriff, Constable, Policeman, or other peace officer, whenever required by any person, to carry such vagrant before a Justice of the Peace of any parish, or before any one of the Recorders of the city in which he shall be, for the purpose of examination; and if the Justice or other officer be satisfied by the confession of the offender, or by competent testimony, that he is a vagrant within the description aforesaid, he shall make a certificate of the same, which shall be filed with the Clerk of the court of the parish, and in the city of New Orleans the certificate shall be filed in the office of one of the Recorders; and the Justice or other officer shall issue a warrant to commit such vagrant, if in the city of New Orleans, to the workhouse of the city, for any time not exceeding six months, there to be kept at hard labor; or if such vagrant be a proper object of charity, to some place of refuge to be provided by the Common Council of the city; and if in any of the parishes, to the parish jail for not more than six months, and if such vagrant be a proper object of charity, to such place of refuge as shall be provided by the parochial authorities.

Juvenile va-
grants, how
treated.

SEC. 3879. If any child shall be found begging for alms, or soliciting charity from door to door, or in any street, highway or public place, such child shall be deemed a vagrant, and any Justice of the Peace of the parish, or any one of the Recorders or Aldermen of the city of New Orleans, shall commit him to such place of refuge as may be provided by the parochial authorities, and if in the city of New Orleans, to the House of Refuge of the

city; and the child shall be there detained, kept employed and instructed in such useful labor as he shall be able to perform, until discharged therefrom under the rules of the places of refuge, or bound out as an apprentice by the administrators of such places of refuge, or by the parochial authorities.

SEC. 3880. All persons apprehended with any picklock or other instrument, with the probable intention to feloniously break and enter any dwelling house, or with any offensive weapon, with probable intention to feloniously assault any person, or who shall be found in any dwelling house, outhouse, store, yard or garden, with probable intent to steal, shall be reputed vagabonds and suspicious persons, and shall, upon conviction, be punished with imprisonment, with or without hard labor, not exceeding three months.

Who shall be reputed vagabonds and suspicious persons, and how they shall be dealt with.

SEC. 3881. All persons who shall be convicted a second time of any of the offences mentioned in the preceding section shall be condemned to imprisonment at hard labor for not more than three years nor less than six months.

Second offence how punished.

SEC. 3882. All persons harboring vagrants or suspicious persons, knowing them to be such, shall, upon conviction, be fined in a sum not exceeding five hundred dollars nor less than one hundred dollars.

Penalty for harboring vagrants.

VEHICLES.

See ANIMALS, DRIVERS, FUNERALS, OFFENCES, POUNDS, STREETS, WHARVES.

ART. 3057. (1) That, as a police regulation, it shall be unlawful hereafter to run on the streets any cab, carriage, cart, dray, float or other vehicle used for the conveyance of passengers or freight, excepting horse or steam cars, unless such vehicle is duly numbered according to methods already in operation for the numbering of licensed vehicles, which numbers must be obtained and registered for reference at the office of the City Treasurer, who is hereby authorized and instructed to issue same to applicants upon affidavit that said number so applied for is for a vehicle to be used solely and absolutely in the prosecution of a business on which the applicant already pays a tax or is licensed.

Vehicles to be numbered.
Ord. No. 654,
C. S.
April 1, 1884.

ART. 3058. Said numbers to be thereupon issued to applicant and recorded at an expense to him of not more than fifty cents for each vehicle so numbered.

City Treasurer's office.
Cost.

Penalty.

ART. 3059. (2) Any such vehicle found by the police running unnumbered shall be considered in contravention and liable to impounding, and any driver of same shall be liable to arrest, trial and punishment, if convicted before the Recorder having jurisdiction, by fine not exceeding twenty-five dollars, or by imprisonment not exceeding thirty days, and the expense of impounding to be borne by the party in contravention.

License plates
of other years.

Ord. No. 38-9,
A. S.
Feb., 1877.

ART. 3060. (1) That no person shall keep attached to their vehicles any license plates or numbers other than those of the current year. Any violation of this ordinance will subject the party offending to a fine of five dollars for each offence. This ordinance to take effect on the first day of March, 1877.

Defaced num-
bers.

O. S. 1913.
Dec., 1854.

ART. 3061. (11) Whenever the number of any dray, cart, cab, coach, hack or other carriage or vehicle shall be erased or defaced by time or some other cause, so that it can not be distinctly deciphered, the owner of such vehicle aforesaid shall have his number immediately reinstated; and in case of his neglect or refusal so to do, he shall pay a fine of from ten to twenty-five dollars for each and every contravention of this article, or be imprisoned from seven to fourteen days.

License plates.
Ord. No. 3618,
C. S.
Mar. 19, 1889.

ART. 3062. That from and after the promulgation of this ordinance. it shall be the duty of the police to arrest and impound any vehicle that the license plates of which are not attached to the vehicle in a permanent manner, or any which have more plates attached than those necessary to cover the current year's license.

Lamps.
A. S. 3188.
July, 1875.

ART. 3063. (1) That every public carriage, hack, cab or pleasure vehicle standing for hire upon the streets or public places, and every omnibus or transfer coach shall have lamps upon the vehicle, and shall keep them lighted when employed or running at night; and for each and every contravention of this ordinance the owner or driver of said vehicle shall be fined not less than ten dollars or more than twenty-five dollars, and in default of payment of said fine shall be committed to the parish prison for not less than five nor more than ten days.

Officer's duty.

ART. 3064. (2) That it shall be the duty of the officer

arresting the owner or driver of a vehicle violating this ordinance to send the vehicle and the animals conducting it to city pounds.

ART. 3065. (16) Carters, draymen, etc., shall not, under any pretext whatever, when unemployed, refuse to transport merchandise and any other articles whatever, on payment of the legal dues, under a penalty of a fine of five dollars for each contravention.

Refusal to transport merchandise. Ord. 1913, O. Dec., 1854.

ART. 3066. (17) It shall not be lawful for any dray, cart or other vehicle to transport in any of the streets or other roads of the city, at one time, a greater load of one article than is fixed by the following scale, viz. :

What constitutes a load. Ib.

Five bales cotton.

One hoghead tobacco.

One hoghead or five barrels of sugar.

Three barrels of molasses.

Ten sacks of coffee.

Five barrels of pork, or other salt provisions.

Eight barrels of flour.

Five barrels or twenty kegs lard.

Sixteen sacks corn.

Ten barrels coal.

Sixteen kegs nails.

Two casks bacon.

Eight sacks salt.

Two sacks flaxseed.

Ten barrels apples.

Ten barrels potatoes.

Eight barrels or four tierces hams.

Twenty sacks oats.

Two tierces rice.

Ten coils bale rope.

Twenty pieces bagging.

Eight barrels loaf sugar.

Five barrels mackerel.

Five bales hay.

Ten boxes or butts of tobacco.

Five barrels of tar.

Five barrels rosin.

One pipe brandy.

Two casks wine or other liquor.

Four barrels whiskey or other liquor.

Twenty pigs lead.

Ord. No. 8315, ART. 3067. One (1000) thousand feet of lumber shall
C. S.
Nov. 14, 1893. constitute a load for one mule or horse. Twenty-five
(2500) hundred feet of lumber shall constitute a load
for two mules or horses. Thirty-three (3300) hundred
feet of lumber shall constitute a load for three or more
mules or horses.

Ord. No. 1913, When hauled by tumbril, or on timber wheels, the
O. S. loads shall not be greater than the following, viz. :

Sixteen hundred feet pine or cypress lumber.

Twelve bars railroad iron.

Five hundred pounds granite or marble, or other arti-
cles of a like nature.

With the further privilege of hauling on a dray
drawn by one animal fifteen hundred pounds, and when
drawn by two animals twenty-five hundred pounds.

Penalty.

ART. 3068. (19) It shall be lawful for any person to
Ib. arrest and stop any dray, cart, wagon, coach, cab or
other carriage or vehicle found in contravention or viola-
tion of any of the provisions of this ordinance, and to
conduct the same to the office of the Recorder of the dis-
trict wherein such carriage, dray, cart or other vehicle
may be found in contravention.

Court juris-
diction.

ART. 3069. (21) The fines imposed by the present
Ib. ordinance shall be recovered before any Recorder's
court, justice of the peace, or any court in this city hav-
ing jurisdiction for the benefit of the city.

City carts.
O. S. 1823.
Nov., 1854.

ART. 3070. (1) That the carts employed otherwise than
temporarily by the Street Commissioner, the City Sur-
veyor, or by the contractors for cleaning the streets,
shall have plates affixed on each side of them, on which
shall be painted, with legible letters, the words: "City
cart," under a penalty of \$5 for each offence, recover-
able before any court of competent jurisdiction, for the
use of the city; and no cart, whilst carrying such plates
thereon, shall be used for private purposes, under a
penalty of \$10, recoverable as aforesaid.

ART. 3071. (1) That from and after the passage of

this ordinance, cabs, hacks, carriages and all other vehicles, public or private, which are driven on any part of Canal street, between Claiborne street and the Metairie ridge, shall, when going toward the river, take that side of said Canal street which is in the First District, between the neutral ground and the sidewalk, and when going toward the Metairie ridge they shall take that side of said street which is in the Second District, between the neutral ground and the sidewalk.

To keep to the right and left.
A. S. 2304.
Sept., 1873.

ART. 3072. (2) That the owner or driver of any vehicle which shall be driven on Canal street, between Claiborne street and the Metairie ridge, in contravention of this ordinance shall be liable to a fine of \$10, recoverable before any court of competent jurisdiction.

ART. 3073. (3) That the Administrator of Police be and is hereby authorized and instructed to have placed on Canal street, in conspicuous positions, two sign boards on Claiborne street, two at Broad street, two at Hagan avenue, two at Carrollton avenue and two at the cemeteries, notifying persons driving on Canal street of the side they are required to take, and the penalty for every violation of this ordinance.

Penalty sign boards.
Ib.

ART. 3074. (1) It shall not be lawful for any person or persons to ride or drive over the bridge across the Bayou St. John, nor any of the bridges across the Canal Carondelet, or any other canal, at a faster gait than a walk, under the penalty of a fine of not less than five nor more than twenty-five dollars for each offence, recoverable before any competent court.

Driving over certain bridges.
O. S. 2910.
July, 1856.

ART. 3075. (2) That copies of this ordinance shall be posted on the most conspicuous places on said bridges. It shall be the duty of the keepers of said bridges to keep the same so posted, under a penalty of five dollars for each and every day they shall neglect so to do.

Ordinance to be posted.
Ib.

ART. 3076. (1) That it shall be the duty of all the police officers, policemen and watchmen to arrest all persons who may violate any of the provisions of the ordinance to which the present is supplementary, and take such person or persons before the Recorder of the district wherein the offence may be committed; and,

Duty of Police.
O. S. 3012.
Aug., 1856.

upon due proof being made, such offender shall be condemned to pay the fine or penalty imposed by said ordinance.

Duty of City
Surveyor.

ART. 3077. (2) That the Surveyor be and he is hereby
1b. instructed to cause to be painted in large letters, on
some conspicuous portion of said bridge, the penalty
for fast driving over said bridges, in accordance with
said ordinance.

Stations and
stands.

O. S. 1722.

O. S. 5222.

July, 1854.

ART. 3078. (1) That from and after the passage of
this ordinance the stands and stations for public cabs
and carriages of every description, for the First District
of the city of New Orleans, shall be as follows: on
either side of Lafayette square, comprising Camp and
St. Charles streets; that is to say, to stand next the side-
walk adjoining said square; on either side of St. Charles
street, from Poydras to Canal street; on the south side
of Gravier street, from the limits of the corner of the
St. Charles Hotel to its extent, it being understood that
the said cabs and other public vehicles shall not be so
arranged as to in any manner impede the ingress or
egress of the doorways of said hotel, or to in any
manner impede the landing of passengers from either
private or public vehicles who are about to let out or
take in passengers; provided, that any owner or
occupant of any store or dwelling shall make no objection
to any public vehicle to occupy such stand in front of
his or their property or dwelling as aforesaid. And for
any violation on the part of the owner or owners, or
drivers of said vehicle, of this section of this ordinance,
he or they shall pay a fine of not less than ten dollars
nor more than twenty for each offence, recoverable
before the Recorder of the First District, and in default
of payment shall be committed to prison for not less
than ten nor more than thirty days.

Second Dis-
trict.

ART. 3079. (2) The stand or station for the Second
1b. District of the city of New Orleans, for the public cabs
and carriages, shall be as follows: on the south side of
Canal, from the corner of Royal street to the swamp,
next the neutral ground; on the north side of St. Louis,
from the corner of Chartres street, in the front of the

St. Louis Exchange Hotel; also on either side and around Jackson Square, next the sidewalk adjoining said square, viz.: on St. Peter, St. Ann and Chartres streets; provided, that all owners, proprietors of hotels, storekeepers and occupants of private dwellings shall make no objection to any owner or driver of any cab or carriage to occupy said stand in front of their property as aforesaid.

ART. 3080. (3) The stand or station for the Third District of the city of New Orleans, for public cabs and carriages, shall be as follows, viz.: on the west side of Elysian Fields street, from Victory to Levee streets; provided, said cabs, carriages, etc., shall not prevent the ingress or egress to and from all buildings on the street aforesaid; also on either side and around Washington Square, next the sidewalk on said square; provided, all proprietors of hotels, storekeepers and owners of property or tenants shall make no objection to any driver or owner of any cab or carriage to occupy a stand in front of said property as aforesaid. Third District
Ib.

ART. 3081. (4) All owners or drivers of public cabs or carriages who shall stop or stand, or attempt to stand, other than for the immediate purpose of letting out or taking in a passenger or passengers, other than on the foregoing-named places in the first, second and third sections of this ordinance, shall be liable to a penalty of not less than twenty-five dollars for each and every offence, recoverable before any court of competent jurisdiction, for the benefit of the city. Penalty.
Ib.

ART. 3082. (5) It shall be the duty of all owners or drivers of public cabs and carriages to leave a space between each intersection or crossing of any street or streets on which they are permitted to stand, of at least fifteen feet between said cab and the crossing or intersection of said stand or streets; and further, they shall be arranged in single lines, in rotation, and in case of the removal of any cab or carriage, the next following shall be entitled to occupy said vacancy occurring from said removal; and any owner or driver of any public cab or carriage who shall violate any of the provisions Positions of
stands.
Ib.

of this section of the ordinance shall be liable to a fine of twenty-five dollars for each offence, recoverable as aforesaid.

To remove
for cleaning
streets.

Ib.

ART. 3083. (7) It shall be the duty of all owners or drivers of public cabs or carriages, whenever the contractors or any others that may be employed to clean, wash or scrape any street or streets, or gutters on which said cabs or carriages may be entitled to stand or occupy, to remove the same, so as to allow said work to be performed; and any owner or driver of such cab or carriage who shall refuse to remove or in any manner impede or prevent the performance of said work shall be liable to a fine of twenty-five dollars for each offence, recoverable as aforesaid.

Not to stand
on Chartres or
Royal streets.

ART. 3084. (9) It shall not be lawful for any cab, or carriage, dray, cart or other vehicle to stand on Chartres or Royal streets, from Canal to Esplanade street, other than for the immediate purpose of loading or unloading, even with the consent of the property holders or tenants on said streets, under a penalty of not less than twenty-five dollars, recoverable as aforesaid.

To stand on
cross streets.

ART. 3085. (10) Drays, carts, cabs, carriages or other vehicles shall, with the consent of the owners or tenants of property, be allowed to stand on any and all streets perpendicular to the river, provided they do not obstruct said street or streets, and to be subject to the same regulation made and provided as in section 7 of this ordinance.

Duty of Chief
of Police.

ART. 3086. (11) It shall be the duty of the Chief of Police to see that all the provisions of the foregoing ordinance relating to the duty of all owners or drivers of cabs, carriages, drays, carts and other vehicles, as far as relates to him, shall be strictly enforced, and report any infraction of the same to the Assistant Attorney, who shall proceed to collect such fine or fines as may be imposed for the infraction of this ordinance as aforesaid.

ART. 3087. (6) From and after the passage of this ordinance it shall not be lawful for the owner or owners of any cart, dray, wagon, carriage or other vehicle to

suffer the same to remain in any of the streets or public ways of the city, during the day or night, unless the same shall be in actual use at the time, under a penalty of three dollars; and any such cart, dray, carriage or other vehicle shall be taken by the Street Commissioner or his deputies, or by the day or night police, to the city pound of the district where so found in contravention, and be there kept for three days; and should the owner or owners of the same not claim and pay the fines on the same within three days after the same have been impounded, then it shall be the duty of the Street Commissioner to advertise and sell the same as provided for in the case of strays, in the third section of this ordinance, and it shall be the further duty of the police to make affidavit against the owner of such cab, wagon, dray, carriage or other vehicle, and the said owner or owners shall, upon conviction, be fined not less than five nor more than twenty-five dollars, or in default of payment to imprisonment not exceeding thirty days by the Recorder having jurisdiction.

ART. 3088. That each and every cabman or driver having a vehicle or vehicles of any description whatever, for hire, located upon any of the thoroughfares of the city, as authorized by Ordinances Nos. 1722 and 5222, Old Series, be, and the same are hereby required to remove, or cause to be removed, all offal or dropping created by the animal or animals attached to said public vehicles, twice daily, to-wit: at or before 12 M., and at or prior to 5 P. M.

To remove
offal, etc.
Ord. No. 3310,
C. S.
Oct. 30, 1888.

ART. 3089. Any failure upon the part of the said drivers or cabmen to conform to the requirement of this ordinance shall subject such driver or cabman so offending to a fine not greater than twenty-five dollars or imprisonment not exceeding thirty days, at the discretion of the Recorder of the district in which the offence was committed.

Penalty. Ib.

ART. 3090. (1) That it shall not be lawful for any owner, driver or person having charge or authority over a public hack, carriage or cab for hire, to charge more than the following rates for the same:

Rate of charges
A. S. 1357.
Feb., 1872.

(a) For carriages drawn by two horses, any distance not exceeding one mile, or twelve squares, for one or two persons, one dollar each, and for each succeeding mile or less, seventy-five cents.

(b) For every such carriage hired by the hour, three dollars for the first hour, and two dollars for each succeeding hour or fractional part thereof, for the use of the entire carriage.

(c) For cabs or carriages drawn by one horse, any distance not exceeding one mile (or twelve squares), for one or two persons, seventy-five cents each; and for each succeeding mile or less, fifty cents.

(d) For every such cab or carriage hired by the hour two dollars for the first hour, and one dollar and fifty cents for each succeeding hour or fractional part thereof, for the entire cab or carriage.

Sunrise to
midnight.

ART. 3091. These rates shall apply from sunrise to midnight. From midnight till sunrise the price shall be fixed by agreement with the driver, but in no case shall double the above rates be exceeded; provided, however, that nothing in this ordinance shall be so construed as to restrict the owner or driver of any of the vehicles mentioned from contracting at a greater compensation than the rates fixed herein.

Penalty.
Amended by
Ord. No. 1032,
C. S.

ART. 3092. (2) That any owner or driver of a vehicle found violating the provisions of this ordinance shall be subjected to a fine not exceeding twenty-five dollars, recoverable before any Recorder, and in default of the payment, be imprisoned not exceeding thirty days.

To post ordi-
nance.

ART. 3093. (3) That all owners or drivers of public vehicles to whom this ordinance may extend are required, under a penalty of twenty-five dollars, to have a copy of this ordinance conspicuously posted in their cab or carriage, and in default of the payment of said fine, to be imprisoned not exceeding ten days, or both, at the option of the Recorder.

French Mar-
ket.
Ord. No. 86,
C. S.
Jan. 23, 1893.

ART. 3094. (1) That it shall be unlawful for any vehicle, cart or city car to drive at a faster gait than a walk in passing in front of the French Market from Ursulines to St. Ann streets, during market hours, 6

A. M. to 12 M., and any one violating the same shall be Penalty.
fined ten dollars or ten days parish prison.

VEHICLE PLATES.

ART. 3095. (1) That all persons owning carriages, Position of
vehicle plate.
Ords. Nos. 797
and 1927, C. S.
July, 29, 1886.
Aug., 1886.
cabs, carts, drays, etc., be compelled to pay for a vehicle
plate and place the same upon their vehicle in a conspic-
uous position, under a penalty of twenty-five dollars
fine, and in default of payment to imprisonment for ten
days, recoverable before any court of competent juris-
diction; but nothing herein contained shall be construed
as applying to carriages or buggies used exclusively for
private use. All acts in conflict with this are hereby
repealed. Penalty.

PRIVATE VEHICLES.

ART. 3096. (1) That every private carriage, hack, cart Lights.
Ord. No. 1639,
C. S.
Mar. 16, 1886.
or vehicle, standing upon the streets or public places
after dark, shall have lamps upon the vehicles and shall
keep them lighted when employed or running at night,
and for each and every contravention of this ordinance
the owner or driver of said vehicle shall be fined not less
than ten (\$10) dollars, nor more than twenty-five (\$25)
dollars, and in default of payment of said fine shall be
committed to the parish prison for not less than five
(5) days nor more than ten (10) days, at the discretion
of the Recorder of the district wherein the offence was
committed. Penalty.

ART. 3097. That from and after the passage of this Following cars
Ord. No 7287
C. S.
Mar. 7, 1893.
ordinance it shall be unlawful for any vehicle to follow
in the tracks of any street railroad, any cars of said rail-
roads, electric or otherwise, at a distance less than thirty
feet.

ART. 3098. That any vehicle following any street car Stops. Ib
at a distance of thirty feet shall be compelled to stop
immediately at said distance whenever said street car
ahead of said vehicle shall have stopped.

ART. 3099. That any driver of any vehicle or vehicles Penalty. Ib.
who shall violate the foregoing provisions of this ordi-
nance shall be guilty of a misdemeanor and subject to a

fine of five dollars, nor more than twenty-five dollars, or imprisonment for five nor more than thirty days, at the discretion of the Recorder having jurisdiction of same.

Repealing clause. ART. 3100. That all ordinances or parts of ordinances
 1b. conflicting with the provisions of this ordinance be and the same are hereby repealed.

Obstructing carnival processions. ART. 3101. That during the various parades of our
 Ord. No. 4227, C. S. Jan. 28, 1890. Carnival societies it shall be unlawful for any person in charge of a vehicle or horse, or any other person to obstruct the line of route from curb to curb, and any one so offending shall be punished by a fine of not less

Penalty. than five dollars, or more than twenty-five dollars, or imprisonment for a term of not less than one day or more than twenty days, at the discretion of the Recorder of the district in which the offence shall be committed; and it is hereby made the duty of the police to strictly enforce the provisions of this ordinance.

United States Courts. ART. 3102. That on and after the passage of this ordinance it shall be unlawful for any vehicle or vehicles
 Ord. No. 6721, C. S. Amended by Ord. No. 7022, C. S. to traverse Decatur street from Canal to Customhouse street on days when the said court shall be in session.

Penalty. ART. 3103. That any one violating the provisions of this ordinance shall be fined the sum of five dollars, or
 1b. in default of same ten days' imprisonment for each violation.

FAILURE TO HAVE LICENSE PLATES, See *Pounds*.

USE OF POYDRAS STREET, See (Right and Left Roadway) *Streets*.

FAST DRIVING, See *Drivers and Driving*.

KEEP TO THE RIGHT, See *Drivers and Driving*.

DUTY OF DRIVER IN CASE OF ACCIDENT. See *Drivers and Driving*.

LEAVING THEIR SEATS, See *Drivers and Driving*.

VIOLENCE AND INSULTING LANGUAGE, See *Drivers and Driving*.

MINORS DRIVING. See *Drivers and Driving*.

VESSELS—See WHARFINGER AND WHARVES.

MOORING IN FRONT OF PIPES OF WATERWORKS COMPANY,
See *Waterworks*.

Acts of 1858, No. 245, p. 171.

Acts of 1859, No. 136, p. 106.

Acts of 1869, No. 38, p. 37.

VIDANGEURS.

ART. 3104. Any vidangeur, agent or employee of a vidangeur, or any other person who shall convey through any street or public way of the city of New Orleans, any excrement not thoroughly deodorized, as required by sections 3 and 4 of Ordinance 4077, Administration Series, shall be liable to a fine not exceeding twenty-five dollars, and in default of paying such fine, such offender shall suffer imprisonment in the parish prison not exceeding thirty days. Any person who shall convey through such street or public way other ordure, foul and (or) offensive matter, except in air-tight barrels, so as not to be offensive to smell or injurious to health, shall be subject to a like penalty, and suffer in the same manner as prescribed above.

Governing
the conduct of
vidangeurs.
Ord. No. 6522.
A. S.
June, 1879.
Amended by
Ord. No. 2962,
C. S.

ART. 3105. That the members of the Board of Health and its agents, officers and employees, and the members of the Crescent City Police and the Recorders of the several districts of this city are specially charged with the enforcement of the provisions of the ordinance.

Officers
charged with
enforcement of
ordinance.
Ib.

ART. 3106. No person or persons engaged in the cleansing and removing from privies, vaults, etc., of fecal matter shall dispose of or dump the same, except from the nuisance wharves established by the City Council; provided, that parties engaged in the manufacture of commercial fertilizers may use such fecal matters by special permit and under regulations prescribed by the Board of Health.

Dumping of
fecal matter.
Ib.

ART. 3107. The emptying of privy vaults shall be made between the hours of 5 A. M. and 8 P. M. At least

Time and
manner.
Ib.

twenty-four hours previous to such emptying the contents of the vaults shall be thoroughly deodorized by means of copperas and carbolic acid or other agents approved by the Board of Health, and immediately afterward the vault shall again be deodorized with lime and carbolic acid.

By odorless
apparatus.

ART. 3108. No privy shall be emptied otherwise than
ib. by some odorless apparatus, approved by the Board of Health and the City Council, and the solid matter shall be placed in air-tight barrels, under a tent, with the aid of such disinfecting measures as may be approved by the Board of Health.

Penalty.
A. S. 6462.
May, 1880.

ART. 3109. No privies shall be emptied without a permit from the Board of Health, directed to the owner, agent or tenant of the premises, under a penalty not exceeding twenty-five dollars.

Disinfection.
A. S. 6322.
June, 1879.

ART. 3110. Whenever, in the opinion of the proper officers of the Board of Health, any privy vault may require disinfecting or deodorizing, the same shall be done by the owner or tenant of the premises upon an order therefor, within thirty-six hours.

Dumping of
fecal matter.

ART. 3111. No person or persons engaged in the cleansing and removing from privies, vaults, etc., of fecal matter shall dispose of, or dump the same, except by depositing the barrels unopened containing such matter in barges or other craft moored at the wharves provided for such purposes, same to be towed to a point below the city limits and there emptied in mid-stream, barrels to be thoroughly deodorized before being returned to the point of departure; provided, that parties engaged in the manufacture of commercial fertilizers may use such fecal matters by special permit, and under regulations prescribed by the Board of Health.

Amended by
Ord. No. 2062,
C. S.

Reinspection.

Ib.

ART. 3112. In all cases of permits or orders issued for the abatement of nuisances, the Board of Health will cause reinspection to be made after the expiration of the time allowed for compliance; and no person concerned will be acquitted of the order until satisfactory compliance shall have been made.

ART. 3113. That it shall be deemed, and it is hereby

declared to be an offence (in districts where the city has established under contract, boats for the carrying off of fecal or other matter, and regulated the charges to be made by the boats) for vidangeurs or other persons engaged in the business of removing the same from privies and vaults in this city, to discharge the same into boats, other than in the following described limits in which the same is received, viz.: from the lower limits of the city to the lower side of Poydras street; from upper side of Poydras street to lower side of Jackson street; from upper side of Jackson to upper limits of the city.

Boats.
Ord. No. 6361,
C. S.
May 24, 1895.

ART. 3114. That any person violating the provisions of this ordinance shall, upon conviction before the Recorder of the city of New Orleans, having jurisdiction, be subject to a fine or imprisonment, or both, or to imprisonment in default of the payment of the fine, provided that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Penalty. Ib.

ART. 3115. That permission be and the same is hereby granted to Messrs. J. J. Keegan and R. B. Benton to carry on the excavating or vidangeur business within the limits of the city of New Orleans, provided they comply with all the existing laws and those which may hereafter be passed pertaining to the same.

Permission.
Ord. No. 2987,
C. S.
June 5, 1888.
Amended by
Ord. No. 3329,
C. S.

ART. 3116. That in order to facilitate the said Messrs. Keegan and Benton in carrying on their business, as above, that permission be and is hereby granted to them to construct a suitable wharf at the head, or prolongation of General Taylor street, in the Sixth District of this city, according to plans and specifications to be prepared by the City Surveyor, and the construction of same to be under the supervision of the Commissioner of Public Works and City Surveyor.

Wharf. Ib.

ART. 3117. That the said Messrs. Keegan and Benton bind themselves in a bond satisfactory to the Mayor that the said wharf shall not be used for any other purpose than is hereinbefore stated during the continuance of this privilege, and that all fecal matter received by them in their said business shall be hauled in sealed barrels

Bond. Ib.

from the sinks or vaults to said wharf and from which they shall be removed daily by means of a water-tight barge to a point below the limits of the city of New Orleans, and there emptied in mid-stream. The said wharf shall be kept at all times in a perfectly clean and sanitary condition, to the satisfaction of Committee No. 4, on public health, etc., of the Council and the State Board of Health.

Water-tight barge. ART. 3118. That the barge used in removing said

1b. fecal matter in their business shall be so constructed as to be water-tight in all of its compartments so that in case of the bursting of a barrel, or otherwise, while in transit no fecal matter will be discharged into the river above the city limits, and the same shall be thoroughly cleansed by washing, to the satisfaction of the officer in charge.

Consideration. ART. 3119. That for and in consideration of this said
1b. privilege, the said Messrs. Keegan and Benton shall pay, at their own expense, an officer who shall be selected and appointed by the Mayor, and who shall be commissioned as a police officer without pay from the city, and whose duty it shall be to see that the provisions of this ordinance and all other ordinances or laws relative to sanitation in connection with the same are properly enforced.

Duty of officer. ART. 3120. That the said officer so appointed shall ac-
1b. company said boat or barge on its daily trips, as hereinbefore stated, and shall see that the same is properly cleansed, as well as all barrels therein contained, and shall make report monthly to Committee No. 4, on public health of the Council, of all matters pertaining to the objects, intent and purposes of this ordinance.

Southern Boat Club. ART. 3121. That in connection herewith the Commissioner of Public Works be and he is hereby directed to enforce the provisions of Ordinance No. 5701, C. S., relative to the removal of the boat house formerly owned and occupied by the Southern Boat or Boating Club, now occupying the said space allotted in this ordinance, as before stated, in contravention to the provisions of said Ordinance No. 2701, C. S.

ART. 3122. That the said J. J. Keegan and R. B. Benton shall furnish a good and solvent bond, made payable to the Mayor, in the sum of one thousand dollars (\$1000) as a guarantee that the privileges herein granted will be in full and complete operation on or before the 1st day of March, 1889.

NUISANCE WHARVES.

ART. 3123. (1) That in accordance with Act No. 14 of the Legislature, approved March 23, 1877, the nuisance wharves are hereafter placed at the disposal of all persons engaged in the business of "vidangeur" under the direction of the Administrator of Improvements; it being well understood that the persons using said boats and wharves shall furnish the necessary towage as required by law.

Vidangeurs.
A. S. 3920.
April, 1877.

ART. 3124. (2) No person shall keep, throw or deposit any offal, filth, foul or offensive matter, corrupt or putrid matter, or any shells, hay, straw, kitchen stuff, paper, cloth, vegetable matter, or any substance whatever that may be offensive to smell, or injurious to health, or liable to become so, in any yard, lot, space or building, sidewalk, gutter, drain or canal, or shall permit the same to be done or to remain; provided, that ordinary refuse and sweepings from stores, dwelling houses and other tenements, and kitchen offal shall be deposited in tubs, boxes, barrels or other suitable receptacles, and be placed on the outside of the banquettes convenient for removal by the offal carts; and provided, that from the 15th of March to the 15th of October, of each year, such deposits shall be made not earlier than 3 o'clock A. M., nor later than 7 o'clock A. M., and from the 16th of October to the 14th of March, inclusive, such deposits shall be made not earlier than 3 o'clock A. M., and not later than 8 o'clock A. M., and the receptacles as above shall not be left on the banquettes later than half past 9 A. M. throughout the year. All persons who are obligated by law or contract to remove or cause to be removed all such matters, substances, or things, shall attend to these duties before the hour of 9 o'clock A. M., on each day of the year.

Keeping or
throwing any
matter offen-
sive to smell or
injurious to
health upon
any yard, lot,
way, etc.
Ord. No. 6022,

Administra-
tor of Police
to cause remo-
val of all offen-
sive matter.

ART. 3125. (3) The Administrator of Police shall, upon complaint of the Board of Health, remove or cause to be removed any foul or offensive matters whatever, to such place or places as may be selected by said board, at the expense of the owner of said matter, or the occupant or owner of the premises where the same may be.

ACT No. 84.

To authorize and regulate the cleaning of vaults and privies; providing for the use of odorless apparatus; to fix the limits of rates and charges; to establish penalties, and to repeal all laws in conflict herewith, and to repeal and to revoke all exclusive privileges heretofore granted, and the exclusive privileges granted to the New Orleans Sanitary and Excavating Company.

SECTION 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Louisiana, in General Assembly convened.* That it shall be lawful for any person or persons to engage in the cleaning of vaults or privies and remove all fecal and stercoraceous matter in the city of New Orleans; provided, application be made and permission obtained from the City Council and Board of Health of said city, who shall require of the applicant or applicants good and solvent security in the sum of five hundred dollars, for the faithful performance of his or their duties, and the faithful observance of the laws and city ordinances in reference to the subject.

SEC. 2. *Be it further enacted, etc.,* That it shall not be lawful for any person or persons to clean and remove from any privy or vault the fecal and stercoraceous matter deposited therein when in a liquid state, otherwise than by some odorless apparatus.

SEC. 3. *Be it further enacted, etc.,* That the City Council and Board of Health shall designate the odorless apparatus to be used, selecting such as is best adapted to secure the objects contemplated by this act.

SEC. 4. *Be it further enacted, etc.,* That the person or persons engaged in the cleaning of privies, vaults, etc., shall be entitled to charge for the cleaning for every privy, vault, etc., in the city of New Orleans not to exceed the following rates: For vaults of houses inhabited by two or four persons, viz.: seven dollars. For vaults of houses inhabited by five or ten persons, viz.: ten dollars. For vaults of houses inhabited by twelve or more persons, viz.: twelve dollars. For vaults of houses inhabited by keepers of furnished rooms where three or ten roomers are accommodated, ten dollars. For same class of houses where more than ten roomers are accommodated, fifteen dollars. For vaults of boarding houses where more than five persons are accommodated, ten dollars. For vaults of boarding houses where more

than ten persons are accommodated, fifteen dollars. For vaults of boarding houses where more than twenty-five persons are accommodated, twenty-five dollars. For vaults of hotels of more than twenty-five rooms shall be charged at the rate of one dollar for each and every room. For vaults of public and charitable institutions, fifty dollars. For vaults of houses used for stores or any mercantile business, twelve dollars; provided, that this section shall apply only to corporations.

SEC. 5. *Be it further enacted, etc.,* That no person or persons engaged in the cleaning and removing from privies, vaults, etc., fecal matter and stercoraceous matter shall dispose of or dump the fecal and stercoraceous matter taken from them, except in such manner and places as the Board of Health and City Council or any law of the State may direct, and any violation of this law shall be considered a misdemeanor, and shall subject the person or persons so offending to a fine not more than five hundred dollars, and imprisonment not to exceed thirty days in the parish prison, at the discretion of the court.

SEC. 6. *Be it further enacted, etc.,* That this act shall take effect from and after the passage thereof, and that all laws or parts of laws in conflict therewith, and all exclusive privileges granted to the New Orleans Sanitary and Excavating Company heretofore granted, are hereby repealed and revoked.

WALLS—See BUILDINGS AND FENCES.

WATER SUPPLY—See BUILDINGS.

WATERWORKS.

AS TO WATER SUPPLY, See *Buildings*.

ART. 3126. (1) That during the term of the charter of the New Orleans Waterworks Company, beginning with the year 1885, the supply of water for which this ordinance provides shall be furnished by the said company; from the pipes and plugs of said company, now laid or hereafter to be laid, for the following purposes, to-wit: For the extinguishment of fires and cleansing of the gutters; for the use of all existing public buildings, public markets, public squares or parks, public schools, and the public charitable institutions

Franchise.
Ord. No. 909,
C. S.
Sept. 23, 1884.

Pressure of supported and to be established and supported by the water.

State and city and now supplied by the said company. It shall be the duty of said company to keep and maintain a head or pressure of water of not less than fifty feet head, between the hours of 7 A. M. and 6 P. M.; and the reservoir supply at night and between these hours shall be of such abundance as amply to cover the needs of the Fire Department for extinguishing fires; and said company shall make such provision as may be necessary to reinforce or supplement said reservoir supply in case of need or accident. In consideration for said supply,

Cost per fire plug.

the city of New Orleans shall pay, during the term of said company's charter, to the said New Orleans Waterworks Company sixty dollars (\$60) per annum for each and every fire plug, fire hydrant and fire well connected

Number of plugs.

with the mains or pipes of said company, of which said fire plugs, fire hydrants and fire wells there are now eleven hundred and thirty-nine (1139), which number shall ever be the least measure of the annual sum to be paid to said company, and for every additional hydrant, fire plug or fire well exceeding said number, hereafter attached to said pipes or mains, the city shall pay an additional sixty dollars (\$60) per annum.

Drought. *

ART. 3127. (2) That the city of New Orleans shall have the power in times of drought to furnish water to such persons as may live outside the lines of the pipes of said Waterworks Company, free from all charges by the same, and shall have further power by ordinance duly passed and notified in writing to said company, before each annual appropriation for said supply, to de-

Decrease or increase.

crease or increase the number of fire plugs, fire hydrants and fire wells for the ensuing year, all such ordinances to designate the locations for the new attachments or intended cut-offs; provided, however, that the number of said fire hydrants, fire plugs and fire wells be not reduced below eleven hundred and thirty-nine (1139), the intent thereof being that the annual price to be paid for said water supply shall never be less than as fixed herein by reference to the now existing number of said fire plugs, fire hydrants and fire wells; but the city ex-

pressly reserves the power to change the location of any and all of said plugs, hydrants or wells, whenever the Council shall deem it necessary, said change to be at the cost of the company.

See Act 56 of 1884.

ART. 3128. (3) That the city of New Orleans shall annually set apart, appropriate and provide in its annual budgets of expenditures and receipts, beginning with those for the year 1885, and in all successive budgets for each year successively, a sum sufficient to pay for said annual water supply, as fixed in the foregoing sections of this ordinance; and that said annual sum or price shall be paid to said New Orleans Waterworks Company in twelve equal and monthly instalments, one on the last day of each consecutive month, beginning in the month of January, 1885, for the year 1885; and beginning also in the month of January in each year thereafter; and in event of prompt cash payments of said instalments during each year, the city of New Orleans shall be entitled to deduct and retain from the last instalment in each year six per centum of the entire amount paid and payable to the said company in and for said year; but should any instalment be unpaid when due, it shall bear interest at the rate of eight per centum per annum, from the end of the month in which it was payable, until finally paid.

Amount set
apart.

How paid.

Deduction, etc.

ART. 3129. (4) That it is hereby made the duty of the Comptroller or auditing officer, and of the Treasurer of said city of New Orleans, carefully to set apart and keep as a distinct fund the moneys or collections which shall have been appropriated in each year, pursuant to this ordinance, and such proportion of all collections of the revenue as shall have been appropriated in the budgets to and for said company, or the said water supply for each year, shall be carefully and exactly set apart by said officers as collected, and shall be warranted for by said Comptroller and paid by said Treasurer to said company, during each month, without further direction, ordinance or authority than that hereby given.

Comptroller
and Treasurer

- Inspection, etc.** ART. 3130. (5) That the New Orleans Waterworks Company shall have the right to inspect and examine into the use of water to be supplied under this ordinance, and the city of New Orleans and its officers shall see that no water is taken or used except for the purpose aforesaid, and that there shall be no waste nor more water taken and used than may be actually necessary for the purposes aforesaid; and to this end the city of New Orleans shall adopt all proper measures or ordinances to prevent waste, and to prevent any use of water except for the purposes herein designated; and it is hereby made the duty of the officers of said city and of those of any and all public buildings and public institutions, and of all persons using water under this ordinance, to prevent waste and to prevent the use of such water except for the actual need for the purposes aforesaid.
- Waste.**
- Notarial act.** ART. 3131. (6) That the Mayor be and is hereby authorized and directed to execute a contract by notarial act to and with said company, embodying and carrying out the provisions of this ordinance.
- Repealing clause.** ART. 3132. (7) That all ordinances or parts of ordinances inconsistent or in conflict with this ordinance be and the same are hereby repealed.

POLICE REGULATIONS.

- Duty of Commissaries of Markets.** ART. 3133. (1) It shall be the duty of the commissaries of the several markets, as soon as the markets shall have been washed, to have the fire plugs closed and kept closed until wanted the next day for the same purpose, except in case of fire; and for any violation of this ordinance the commissary or market lessee or lessees shall be fined not to exceed twenty-five dollars or imprisonment not more than thirty days.
- Ord. No. 8107, A. S. Oct. 27, 1882.**
- Penalty.**
- Night watchmen.** ART. 3134. (2) It shall be the duty of the night watch to arrest any and all persons except the officers of the New Orleans Waterworks Company and city government found opening the fire plugs at night, except in case of fire. Such offenders shall, upon conviction, be fined not to exceed twenty-five dollars, or in default of
- Penalty.**

payment of said penalty shall be imprisoned not more than thirty days.

ART. 3135. (3) It shall be unlawful for any person unauthorized by the New Orleans Waterworks Company, except the city government and Fire Department, to take water from any public well, cistern, reservoir or fire plug, or to open the same so as to expose the water to waste; or to turn any public or private stopcock, or in any way or manner injure the buildings, reservoirs or other property belonging to the New Orleans Waterworks Company; and the person so offending shall be subject to a fine not to exceed twenty-five dollars, or in default of payment of the fine shall be imprisoned for not more than thirty days.

Parties not allowed to use water.

Penalty.

ART. 3136. (4) No person shall make any attachment to the street mains of the New Orleans Waterworks Company, or to any private attachment connected therewith, or any alteration in such private attachments, without special authority from the said company. Any one so offending shall be subject to a fine not to exceed twenty-five dollars, or if the fine be not paid, imprisonment for not more than thirty days.

Attachment to mains.

Penalty.

ART. 3137. (5) Whosoever shall himself, or by any of his family, or by any of his servants or agents, use or waste the water from any part of the waterworks, or open any stopcock or valve, or shall let on or shut off the water into or from any pipe without authority from the New Orleans Waterworks Company, or of the city government or Fire Department, shall be subject to a fine not to exceed twenty-five dollars, or if the fine be not paid, imprisonment for not more than thirty days.

Wasting.

Penalty.

ART. 3138. (6) Whoever having authority to use the water supplied by the New Orleans Waterworks Company for a specified purpose, shall use the water or suffer to be used from the hydrant in his authorized use, for any other purpose than that specified, or shall suffer any other person to do so, or shall suffer such hydrant to remain exposed to public use, shall be fined not to exceed twenty-five dollars, or failing to pay the fine, shall be imprisoned not more than thirty days, for each offence.

Used otherwise than specified.

Penalty.

Valves or stop boxes. ART. 3139. (7) Parties paving streets, alleys and sidewalks are expressly forbidden to destroy or cover up any valve or stop-box attached to the pipes or connections of the New Orleans Waterworks Company, under a penalty of not more than twenty-five dollars for each offence, or in default of payment they shall be imprisoned for not more than thirty days.

Keys or spanners. ART. 3140. (8) It shall be unlawful for any person to own or keep a key or spanner to any stopcock, hydrant or fire plug of the New Orleans Waterworks Company, unless under the authority of said company or of the city government and Fire Department, and any one so offending shall be fined not more than twenty-five dollars, or in default of payment shall be imprisoned for not more than thirty days.

Bathing in reservoirs. ART. 3141. (9) Whoever shall bathe in any reservoir of the New Orleans Waterworks Company, or shall commit any nuisance upon the grounds of such reservoirs, or shall put any offensive matter into such reservoir, or shall in any manner contaminate the water therein, shall be fined not to exceed twenty-five dollars, and in default of payment shall be imprisoned not more than thirty days.

Duty of Police. ART. 3142. (10) It is made the duty of the police to report all violations of this ordinance to the Chief of Police, who shall give prompt information of such reports to the New Orleans Waterworks Company.

VESSELS IN FRONT OF PIPES.

Mooring of vessels. ART. 3143. (1) That it shall be declared a misdemeanor for any owner, agent, captain or person to moor or allow his vessel to be moored so that its bows may lap or be in front of the cribs and influent pipes of the New Orleans Waterworks Company.

Penalty. ART. 3144. (2) That for any such misdemeanor there shall be a fine of twenty-five (\$25) dollars for the act and twenty (\$20) dollars for each and every day said misdemeanor exists.

Ord. No. 591,
C. S.
Feb. 19, 1884.

VESSELS IN FRONT OF CRIBS.

ART. 3145. (1) That from and after the promulgation of this ordinance it shall not be lawful for any vessel to moor or lay at the wharf or levee in such position as to allow or cause any portion of such vessel to be in front of or in any manner lap or be in front of or alongside any portion of the cribs or works surrounding the intake or eduction pipes of the New Orleans Waterworks Company in the Mississippi river. Any master or officer in command of any vessel, who shall permit or allow any vessel under his command to be moored in violation of the provisions of this ordinance, shall be fined twenty-five dollars and imprisoned thirty days for each violation of this ordinance, and if such master or officer shall not remove such vessel moored in violation of this ordinance, after demand has been made on him to remove such vessel, he shall be deemed guilty of a violation of this ordinance each day such vessel shall remain so moored, and shall be fined twenty-five dollars and imprisoned thirty days for each day or fraction of a day such vessel remains so moored.

Mooring of
vessels.
Ord. No. 1086,
C. S.
Jan. 22, 1885.

Penalty.

ART. 3146. (2) That all ordinances of parts of ordinances in conflict with this ordinance are hereby repealed.

Repealing
clause.
Ib.

ART. 3147. (1) That the City Attorney, on behalf of the city, at present a defendant of record in suit 15,774, of the Civil District Court, entitled "Edward Conery, Jr., et al. vs. The New Orleans Waterworks Company et al.," be and he is hereby directed to amend, with leave of the Honorable the Civil District Court for the parish of Orleans, the answer of the city therein, and to join in plaintiff's demand, and to proceed in order to cause to be vacated the alleged contract under Ordinance 909, C. S., between the city and the New Orleans Waterworks Company, of date October 3, 1884, before J. D. Taylor, notary, and to have the same pronounced null and void, and of no effect, as being detrimental to the public rights and interest, beyond the powers of the late city administration, and in fraud of the rights of the city.

City Attorney to amend
answer in suit
et Ed. Conery, Jr. et als.
vs. The N. O. Waterworks
Co. et al.
Ord. No. 3287,
C. S.
Oct. 23, 1888.

Authority to
City Attorney.

ART. 3148. (2) That the City Attorney be and he is hereby authorized to take such further action in pursuance of this ordinance, relative to said cause No. 15,774, and entitled "Edward Conery, Jr., and Others vs. The New Orleans Waterworks Company, The City of New Orleans and Others," as he may deem necessary for the best interests of the city.

Repealing
clause.

ART. 3149. (3) That all ordinances or parts of ordinances inconsistent with or contrary to the provisions of this ordinance, be and the same are hereby repealed.

Test of water.
Ord. No. 3919,
C. S.
Aug. 6, 1886.

ART. 3150. (1) That it shall be the duty of the City Surveyor to make tests daily, or as often as may be necessary, to ascertain whether or not the New Orleans Waterworks Company constantly maintains the head or pressure and reservoir supply of water required by the provisions of Ordinance No. 909, C. S.

To report to
Council.

ART. 3151. (2) That it shall be the duty of the City Surveyor to report to the Council on the third Tuesday of every month the result of the tests made, as above required.

Resolution of
Board of Di-
rectors author-
izing issue of
bonds.

Ord. No. 5189,
C. S.
Jan. 26, 1892.

ART. 3152. Whereas, it is indispensable to a safe, continuous and economical supply of water that the machinery and plant of this corporation for pumping and delivering water through its mains and service be renewed or altered to bring the installation up to the present state of the art in that class of machinery; and

Whereas, it is desirable that an attempt be made to filter or otherwise clarify the water taken from the Mississippi river before its distribution through the mains and free it, as much as possible, from sediment before delivery for public or private consumption; and

Whereas, the expense involved in such necessary modification and improvement of machinery and experiments and efforts to secure freedom from sediment in the water demands the immediate outlay of more money than can be safely taken from the current revenues and earnings of the company; and

Whereas, under the terms of its charter this corporation has authority to borrow money for that purpose up to the maximum limit of two million (\$2,000,000) dol-

dars, with the consent of the Council of the city of New Orleans; and

Whereas, for the purpose of improving and enlarging its works, this corporation, on the first day of April, 1879, made and executed a mortgage bearing on all of its property to secure an issue of its bonds in the sum of five hundred thousand (\$500,000) dollars, with interest at the rate of six (6) per centum per annum, bonds made payable thirty years after the date thereof; and

Whereas, of the said bonds so authorized and secured by said mortgage, bonds to the amount of only three hundred and ninety-five thousand (\$395,000) dollars have been issued under and secured by said mortgage, and bonds of the said series of five hundred thousand dollars amounting to the sum of one hundred and five thousand (\$105,000) dollars are still in the possession of this corporation, having never been sold or disposed of so as to become secured by said mortgage of April 1, 1879; and

Whereas, it is desirable, if a new loan is to be effected for the purposes above recited, that the entire loan should be upon the same terms and mature at the same time.

ART. 3153. That the Council of the city of New Orleans be requested to join this Board of Directors in the appointment of a joint committee to cancel and destroy all of the said bonds representing said one hundred and five thousand dollars of said series of five hundred thousand dollars that now remain in the possession of this corporation and were never issued, so that the operation and effect of the said mortgage of April 1, 1879, shall be limited to stand as a security only for the said sum of three hundred and ninety-five thousand dollars, with stipulated interest represented by the said bonds with coupons attached that have already been issued and disposed of.

To cancel
certain bonds.
Ib.

ART. 3154. That this corporation, with the consent of the Council of the city of New Orleans, in order to realize the money and funds necessary to effect the improvement of said machinery and works as above re-

Authority to
issue bonds.
Ib.

cited, borrow the additional sum of two hundred and fifty thousand dollars for the purpose, and no other, of enabling it to enlarge, improve, repair or reconstruct its machinery, enlarge and improve its works, and increase its capacity to supply water, and for the purpose of attempting to deliver, and, if successful, to deliver within one year after completion of experiments, filtered water from its mains and service, and to that end, that this corporation make and issue its bonds, under its seal, in such form and in such denomination and amounts named in each bond as shall be approved by the Board of Directors and the Council of the city of New Orleans.

Not to exceed
\$250,000.

The total issue of bonds not to exceed the sum of two hundred and fifty thousand (\$250,000) dollars, with interest at the rate of six (6) per centum per annum, interest to be represented by coupons attached to said bonds, payable semi-annually on the first Monday in January and the first Monday in July of each year; both principal and interest to be payable at the city of New Orleans. The said bonds and coupons to be made in such form as to pass in the market by delivery and to be payable to the holders or bearers thereof. That to secure the payment of the principal and the interest represented by said bonds and coupons, the president and secretary be and are hereby authorized to make and execute, in due and usual form, a mortgage and hypothecation of all of the property and franchises of this corporation subject to mortgage and hypothecation by the terms of its charter to the full extent and amount of the said two hundred and fifty thousand dollars and interest as aforesaid. The said president and secretary to submit the form of said mortgage and said bonds and coupons to a general or special meeting of this Board of Directors for approval, and the same shall not be executed or the seal of the corporation attached either to the said mortgage or any of the said bonds, nor shall said bonds be issued until the same shall be approved and the consent of the city of New Orleans obtained, as provided in the charter of this corporation; and the said mortgage so executed shall stand and be second in

rank to the said mortgage of date of April 1, 1879. The bonds not to be disposed of for less than the par value of the bond and the accrued interest on current unmat-ured interest coupon.

ART. 3155. That the Council of the city of New Orleans hereby gives its consent and approval to the issue of bonds of the New Orleans Waterworks Company, se-cured by a mortgage of all the property and franchises of the said company, including its franchise to be a cor-poration, for the purpose of improving and enlarging its works and increasing the supply of pure water as pro-vided in and on the terms and conditions set forth in a resolution of the Board of Directors of the New Orleans Waterworks Company adopted at a meeting of the board held on the 6th day of January, A. D. 1892, that is to say: Two hundred and fifty bonds of the sum of one thousand dollars each, making a total of two hundred and fifty thousand dollars, said bonds to bear interest at the rate of six per centum per annum, payable semi-annually, in the city of New Orleans, on the first Mon-day in January and the first Monday in July of each year. The principal of said bonds to mature and become due and payable twenty-five (25) years from the first day of January, 1892, and in no case to be sold or dis-posed of by the said New Orleans Waterworks Company for a sum less than the face value of the bonds, at the date of the issue and disposal of such bonds, as pro-vided for in said resolution of said Board of Directors of the said New Orleans Waterworks Company, at the said meeting of said board held on the 6th day of Janu-ary, A. D. 1892, as the same is of record in the records of the proceedings of said meeting, and the said City Council hereby gives its full assent and approval re-quired by section nine (9) of Act No. 33 of the extra session of the Louisiana State Legislature, and all other laws relating to the issue of said bonds and securing the payment thereof by an act of mortgage in due form, hypothecating and mortgaging the said property and franchises of the said New Orleans Waterworks Com-pany to secure the payment of the principal and interest

Consent of
Council,
Ord. No. 6104,
C. S.
March 8, 1892.

of said bonds, and that there may be full evidence of such consent and approval, the Mayor of the city of New Orleans, or any acting Mayor, who may be acting at the time, is directed to intervene in said act of mortgage and express therein on the face of such act of mortgage the consent and approval of the city of New Orleans and its City Council to the issue of said bonds, borrowing of said money, and the execution of the said mortgage to secure the payment thereof both as to principal and interest.

Mayor authorized to act.

Ib.

ART. 3156. That the Mayor of the city of New Orleans, or any acting Mayor thereof, acting at the time, be and is hereby directed to join and act with the president of the New Orleans Waterworks Company, or such other person as shall be appointed by the Board of Directors of the said Waterworks Company, and go before the Notary Public in the city and parish of Orleans, before whom the now existing act of mortgage of the property and franchises of the said New Orleans Waterworks Company was executed on the first day of April, 1879, with the assent of the City Council, to secure the payment of bonds to the amount of five hundred thousand dollars, as appears by said act of mortgage, as it is of record in the office of James Fahey, a Notary Public for the city and parish of Orleans, and in the office of the Recorder of Mortgages in said parish, and carry and take with them before said notary or such other Notary Public in and for the city and parish of Orleans as they may select, each and all of the said bonds, secured by the said act of mortgage of April 1, 1879, that have not been issued or disposed of by the said New Orleans Waterworks Company, amounting in total to the sum of one hundred and five thousand dollars in bonds, with interest coupons attached, and cause each and all of said bonds and coupons to be canceled in the presence of the said Notary Public, and shall join said notary in the execution of a *proces verbal* by public act of such cancellation of said bonds and coupons, which shall fully describe the said bonds and coupons, the stamping and mutilation by which such cancellation is evidenced or

Cancellation of bonds.

effected, so that each and all of said bonds with their coupons shall cease to be obligations of the said New Orleans Waterworks Company, with authentic evidence of the cancellation thereof, and that a copy of such *proces verbal* be recorded in the office of the Recorder of Mortgages in the parish of Orleans, where said mortgage of April 1, 1879, is recorded, and that this ordinance shall go into effect from and after the date of its adoption and promulgation.

FIFTH MUNICIPAL DISTRICT.

ART. 3157. Whereas, the New Orleans Waterworks Company is desirous of providing a public water supply with proper distribution in the Fifth Municipal District of the city of New Orleans, and to that end has entered into an agreement with E. L. Bemiss, of the parish of St. Bernard, dated August 27, 1895, and filed in the office of Joseph D. Taylor, Notary Public, under which agreement said New Orleans Waterworks Company proposes, subject to the approval and consent of the city of New Orleans, to grant and allow a corporation to be organized by said E. L. Bemiss, full, sole and complete license and authority to construct, carry on and operate a waterworks installation for the public municipal supply of water to the public and inhabitants residing in said Fifth Municipal District, for the period and under terms and conditions set forth in said agreement, dated August 27, 1895, and

ART. 3158. Whereas, it is the desire and it is to the interest of all parties concerned that the city of New Orleans, without in any manner waiving its rights under its contracts with said New Orleans Waterworks Company, shall deal directly with said proposed corporation so far as concerns payments for water and service, supplied, furnished and rendered in said Fifth Municipal District.

ART. 3159. (1) That the city of New Orleans hereby recognizes, consents to and approves the said proposed license and contract to and in favor of the said proposed corporation, provided for in said agreement dated August

Waterworks
authorized to
license and
contract for
water in Fifth
Municipal Dis-
tr ct.
Ord. No. 11,262,
C. S.
Sept. 5, 1895.

27, 1895, and that the city of New Orleans hereby con-
sents and agrees that the said New Orleans Waterworks
Company and the said proposed corporation shall have
the right to make such changes and modifications in said
proposed contract of license and lease as may be mutually
agreed upon by them, without further application to,
action by or authority from the said city of New Orleans,
and that all said changes and modifications in said con-
tract as shall be made by said parties are hereby au-
thorized and consented to and approved by the city of
New Orleans.

Charges.

Ib.

ART. 3160. (2) That in said contract between the New
Orleans Waterworks Company and the said proposed
corporation the latter shall agree and bind itself to fur-
nish water for public use and uses under the terms and
conditions (as far as applicable), and for the price stipu-
lated in Ordinance No. 909, Council Series, and in the
contract made thereunder between the New Orleans
Waterworks Company and the city of New Orleans,
by act before Joseph D. Taylor, Notary Public, dated
October 3, 1884; and that, for water and service, sup-
plied, furnished and rendered for public use and uses,
in said Fifth Municipal District, said new corporation
shall be paid by the city at the price and subject (so far
as applicable) to the terms and conditions fixed and set
forth in said ordinance and said contract—said payments
to be made directly to said proposed corporation, and a
separate account to be kept with said proposed corpora-
tion on the books of the city.

Mayor mem-
ber of Board of
Directors.
Ord. No. 11,509,
C. S.

ART. 3161. (3) That the Mayor of the city of New
Orleans shall be a member of the Board of Directors of
said proposed corporation, and shall be notified, or in
his absence the acting Mayor shall be so notified, of all
meetings, whether the same be general or special, of the
Board of Directors of said proposed corporation at the
same time and in the same manner as other members of
said board are so notified, and shall have the right to
express his views and to vote on all questions arising in
said board, but shall not have the right to vote at the
election for said Board of Directors.

ART. 3162. (4) That all ordinances and parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Repealing
clause.
Ord. No. 11,262,
C. S.

WHARFINGERS.

ART. 3163. (6) That it shall be the duty of the wharfingers to keep a list of all vessels arriving within the limits of the city, to direct the mooring and landing of steamboats, flatboats and water craft, sea-going vessels excepted; they shall keep a regular account of the general transactions in the harbor; and for that purpose they shall have well bound books, one for ships and other sea-going vessels, one for steamboats, one for flatboats, etc., and one for barges and other craft, in which shall be kept a journal of the arrivals, arranged in such a manner as to present in one line the name of the vessel, her master or consignee, the tonnage or burthen, the amount of duty to which said vessel may be subject, as well as the date of the arrival and departure thereof; and the said books shall be regularly posted every day.

List of ves-
sels, etc.
June, 1858.
O. S. 3901.

ART. 3164. (7) That every wharfinger, in his district, is authorized to point out the place and position any steamboat, flatboat, barge or other craft shall take at the part of the levee allotted to them; and regarding the selection of place or position, said wharfinger is appointed sole judge to decide thereon; and, moreover, said wharfinger shall have the right of determining on what occasions and how far captains and others having charge of steamboats, flatboats, barges and other water craft, must accommodate one another in their respective positions at the wharves, as assigned them by the said wharfingers; and also in arranging of freight on the wharves and levees, discharged and to be hauled away, or conveyed thither for the purpose of being shipped; in the arranging of all matters of dispute arising from differences of opinion regarding individual rights to the wharves and levees by parties doing business thereon,

Duty and
power.
Ib.

in connection with the shipping and landing of freight; and also of the mooring and landing of the different vessels above enumerated. The wharfingers thus having full power to decide upon all such matters appertaining to the wharves and levees, and to determine the same, in case any captain or other person resists, opposes or refuses to obey the orders of the said wharfingers in thus discharging the duties of their office.

Penalty. ^{Ib.} ART. 3165. Such captain or other person so violating
Amended by the provisions of this ordinance shall be subject to a fine
Ord. No. 4961, not to exceed twenty-five dollars or imprisoned in the
C. S. parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

To remove
merchandise
from the
wharves.
A. S. 2882.
Dec. 1874.

ART. 3166. (1) That it shall also be the duty of the Superintendent of Wharfingers to see that all produce, goods, wares and other articles landed on the levee from any vessel or water craft be laid as near as possible to the paved part of the levee approaching the street, and that the bank of the river and wharves be neither obstructed nor encumbered; and that the said Superintendent of Wharfingers is authorized to give the necessary orders through his deputies, to all persons whom it may concern, to remove all produce, goods, wares or other articles landed upon said wharves and levees immediately after the discharge of the vessel or vessels from whence such produce, goods, wares or other articles were landed, if the room is wanted, and forty-eight hours is the longest time that said produce, goods, wares or other articles shall be allowed to remain on the wharves or landings; and upon the neglect, refusal or failure by the owners or agents of said produce, goods, wares or other articles, to remove the same, after being duly notified by the wharfinger, the said wharfinger shall cause the said produce, goods, wares or other articles to be stored at the expense and risk of the said

owners or agents thereof; and said wharfingers shall have further authority to remove all obstructions and encumbrances, as provided in ordinances relative to pounds.

N. O. WATERWORKS CO. See Acts 101 of 1872; 33 of 1877, E. S.; 48 of 1878; 56 of 1884.

WHARVES.

See WHARFINGERS.

OBSTRUCTIONS.

ART. 3167. (1) That on or after the first day of May, 1885, it shall be unlawful to store on the levee, for a longer period than ten (10) days, articles of ballast, whether of rock, stone, shells, boulders, mixed dirt or other material, recognized and commonly known and used as ballast for sea-going vessels, whether of sail or steam, or granite blocks, bricks or other material of any kind, for personal use or for sale.

Storing bal-
last.
Ord. No. 1218,
C. S.
April 21, 1885.

ART. 3168. (2) That it shall be the duty of the Commissioner of Public Works, on the last day of the time above specified, to serve written notice upon the owners of such property to remove the same within three days from date of service, and to keep a record of such notice and service in his office.

Duty of Com-
missioner of
Public Works.
Ib.

ART. 3169. (3) That the owner, or agent or person having control of such ballast, who fails to remove the same within the period above specified, shall be deemed guilty of misdemeanor in obstructing the public levee and highway, and on conviction before the Recorder having jurisdiction shall be fined not less than five dollars nor more than twenty-five dollars, or imprisonment not more than ten days, or both, in the discretion of the court; and further, if within forty-eight hours after the payment of a fine so imposed, or the expiration of a term of imprisonment, such ballast is not removed, or *bona fide* in course of removal, such owner, agent or person having control shall again be subject to prosecution, and, upon conviction, fined or imprisoned in the same manner as hereinbefore provided.

Penalty. Ib.

Failure to re-
move after
prosecution.

Duty of con-
travention
clerks.

ART. 3170. (4) That it shall be the duty of the contra-
vention clerks of the wharfinger's department to report
promptly to the Commissioner of Public Works all cases
of ballast depositing which come under the operation of
this ordinance, giving, as far as can be, the quantity,
the location and the character of same; and it shall
further be the duty of said commissioner to make the
proper affidavit against any and all persons violating
any of the provisions of this ordinance.

ART. 3171. (5) That all ordinances or parts of ordi-
nances heretofore enacted conflicting with this ordinance
be and the same are hereby repealed.

Obstructing
levees.

Ord. No. 4163,
O. S.
Oct., 1859.

ART. 3172. (1) It shall not be lawful for any person to
encumber with the river sand, planks and staves, the
levee in front of the city of New Orleans, from the
upper to the lower limits of said city.

Injure or
damage.

ART. 3173. (2) It shall not be lawful for any person to
damage or injure in any way the levee in front of the
city.

Duty of
wharfinger.

ART. 3174. (4) It shall be the duty of the several
wharfingers in their respective districts to carry into
effect the provisions of the foregoing ordinance.

Penalty.
Ord. No. 4962,
C. S.
Dec., 16, 1890.

ART. 3175. That whoever shall violate the provisions
of this ordinance shall be subject to a fine not to exceed
twenty-five dollars, or imprisoned in the parish prison
for a term not to exceed thirty days, or both, or impris-
oned in the said parish prison for a term not to exceed
thirty days in default of payment of the fine, to be im-
posed by the Recorder of the district wherein the offence
is committed; provided, that the fine shall not exceed
twenty-five dollars for each offence, nor the imprison-
ment more than thirty days.

Duty of Com-
missioner of
Commerce.
Ord. No. 6572,
A. S.
July, 1880.

ART. 3176. (1) That it shall be the duty of the Admin-
istrator of Commerce of the city of New Orleans to see
and require all produce, wares, goods and other articles
landed on the wharves or levees by any vessel or other
water craft, shall be laid as near as possible to the paved
part of the levee approaching the street, so that the bank
of the river and wharves be neither obstructed nor en-
cumbered thereby.

ART. 3177. (2) That the Administrator of Commerce be and is hereby authorized to give the necessary orders to all persons whom it may concern to remove all goods, wares and merchandise of every kind landed upon the wharves and levees, upon the expiration of 48 hours after the discharge or receipt of cargo, and upon the neglect, refusal or failure of the owners, agents, consignees or shippers of said produce, goods, wares or merchandise of any description, to remove the same after having been duly notified by the Administrator of Commerce, his officers or employees acting under his direction, the said Administrator of Commerce shall take possession of said produce, goods, wares or merchandise, and store the same at the expense and risk of the owners, agents, consignees or shippers thereof, and he shall have full authority to remove all obstructions upon the wharves and levees.

Removal of
wares, etc. Ib.

ART. 3178. (3) That in the event the owners, agents, consignees or shippers of any goods, wares or other merchandise can not be found, then the Administrator of Commerce, his officers and employees acting under his instructions, are hereby authorized to dispense with the notification above provided for.

Notice dispensed with,
when. Ib.

ART. 3179. (4) That in addition to the powers conferred upon the Administrator of Commerce, his officers and employees acting under his instructions, he is hereby further authorized to stop the loading and unloading of merchandise or other articles, provided he considers the safety of the wharves endangered thereby, and he is further authorized through his proper officers to remove at any time, immediately upon being unloaded, any goods or merchandise which may encumber the wharves, or which may prevent the discharge of vessels arriving.

Other powers. Ib.

ART. 3180. (5) That whoever violates the provisions of this ordinance shall be fined in a sum not exceeding twenty-five dollars and imprisonment not exceeding thirty days by the Recorder of the district in which said offence shall be committed.

Penalty. Ib.

ART. 3181. (1) That any permission or authority heretofore granted by the Common Council of the city of New

Sheds, booths,
tents, etc., to be
removed.

Ord. No. 83,
A. S.
May, 1870.

Orleans, to erect, maintain or keep upon the public wharves, levees or landings of the city of New Orleans, any shed, shanty, booth, tent or any structure of any kind whatsoever, be and the same is hereby withdrawn and vacated.

ART. 3182. (2) That it shall not be lawful for any person or persons to erect, maintain or keep upon the public wharves, levees or landings of the city of New Orleans any shanty, shed, stand, booth, tent, or any structure of any kind whatsoever, without permission of the Council.

Penalty.
Ord. No. 4963,
C. S.

ART. 3183. That whoever shall violate the provisions of this ordinance, shall be subject to a fine not to exceed twenty-five dollars or imprisonment in the parish prison for a term not to exceed thirty days, or both, or imprisoned in the said parish prison for a term not to exceed thirty days in default of the payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

POLICE REGULATIONS.

Public dump.
Ord. No. 4271,
A. S.
Dec., 1877.

ART. 3184. (1) That for the purpose of accomplishing the work recommended by the Board of Engineers as a temporary protection of the river bank in the Third District, below Montegut street, and to strengthen the bulkhead built by the wharf lessee, the Administrator of Improvements is hereby authorized to establish a public dump in front of said bulkhead, wherein all offal, manure, rice chaff, tin cuttings, tobacco stems and other refuse or waste matter shall be deposited.

Rice chaff,
manure, etc.

ART. 3185. (2) That it shall be unlawful for any person to deposit offal, manure, rice chaff, tin cuttings, tobacco stems or other refuse or waste matters on any part of the river front except the place specified, under a penalty of a fine of ten dollars, or imprisonment not exceeding ten days for each and every such offence.

Cabs on wood-
work.
Ord. No. 51,
N. S.
May, 1860.

ART. 3186. That cabs, drays and other vehicles be and are hereby permitted to be driven on any woodwork to a point fifty feet from the line of incline on the wharves.

ART. 3187. That the City Surveyor be and he is hereby authorized and instructed to place at such distances as he may deem best posts to guide the wharfingers in carrying out said permission.

Guide Posts.
Ib.

ART. 3188 (2) That from and after the passage of this ordinance, no cart, dray or other vehicle shall remain idle on the wooden part of any of the wharves of the city, under a penalty of not less than ten nor more than twenty-five dollars for each offence, and in default of payment, imprisonment for not less than ten or more than thirty days; and it shall be the duty of the police to order off from said wooden parts of any of the wharves all or any idle cart, dray or vehicle encumbering said wharves, and should the person or persons thus ordered refuse to obey, the said police shall cause to be arrested the person or persons thus contravening.

Drays, carts,
et., on wooden
part of wharves
Ord. No. 6689,
A. S.
Nov., 1882.

ART. 3189 (2) That all drays, carts, cabs and other vehicles are hereby prohibited from driving on the wharves (except as under the provisions of Ordinance No. 51, N. S.), under a penalty of not less than ten nor more than twenty-five dollars, and in default of payment, imprisonment for not less than ten nor more than thirty days; and the police are hereby authorized to arrest and take possession of all drays, carts, cabs and other vehicles found in contravention of this ordinance, and dispose of them in the same manner as provided by ordinance relative to pounds.

Penalty. Ib.

ART. 3190 (1) That from and after this date, all vessels, whether sea-going or otherwise, arriving in this port and landing at any wharf or landing in the city of New Orleans, will be required to moor, fasten or tie to such mooring posts, piles or check posts on the levee proper, as the Administrator of Commerce or one of his duly authorized deputies may direct.

Vessels.
Ord. No. 7416,
A. S.
Nov., 1881.

ART. 3191 (2) That on the refusal or neglect of any captain, master or commander of any vessel to comply with the above immediately after being notified by the Administrator of Commerce or one of his duly authorized deputies, he shall be arrested and fined the sum of twenty-five dollars by the Recorder in whose district the

Penalty. Ib.

vessel may be lying, and on his refusal or failure to pay said fine, he shall be imprisoned for ten days for each and every offence.

Penalty for refusing to obey orders of wharfingers

Ord. No. 5638, C. S.

Sept. 28, 1891.

Amending Ords. Nos. 2888 and 3228, A. S.

Penalty.

ART. 3192. That in any case where a captain or master of a vessel opposes or refuses to obey the order or orders of the Superintendent of Wharfingers, or refuses to land or place his boat at the proper landing as designated above, provided that nothing herein contained shall be construed as interfering with the Harbor Masters in the discharge of their duty, shall be subject to a fine not to exceed twenty-five dollars, or imprisoned in the parish prison for a term not to exceed thirty days, or both, or imprisonment in the said parish prison for a term of not to exceed thirty days in default of payment of the fine, to be imposed by the Recorder of the district wherein the offence is committed; provided, that the fine shall not exceed twenty-five dollars for each offence, nor the imprisonment more than thirty days.

Lay charges. Ord. No. 3112, A. S. May, 1875.

ART. 3193. That from and after the passage of this ordinance all barges arriving at this port, laden with grain or through freight, will be allowed fifteen days before incurring damages for lay days.

LANDINGS.

Ballast. Ord. No. 4166, A. S. Oct., 1877.

ART. 3194. That the square of ground bounded by Peters, Desire, Piety and Moreau streets, be and the same is specially set apart and appropriated for a ballast yard, said property being owned by the city of New Orleans; and that hereafter all ballast landed on the levee shall be removed within forty-eight hours after landing, unless otherwise directed by the Administrator of Commerce, or placed in the holes designated by the Superintendent of Wharfingers, or at the option of masters and owners of vessels at the ballast yard above designated, under a penalty of one hundred dollars, recoverable from the said vessels, masters or owners before any court of competent jurisdiction, for the use of the city.

ART. 3195 (1) That from and after the passage of this ordinance it shall not be lawful for any person or

persons to land, or cause to be landed, any barge or barges loaded with potatoes and apples at any other landing than the flatboat landing, between Sixth and Seventh street wharves.

ART. 3196. (2) That any person or persons landing, or causing to be landed, any barge or barges loaded with potatoes and apples at any other landing than the flatboat landing, between Sixth and Seventh streets, shall be liable to a fine of twenty-five dollars for each and every offence, recoverable before the Recorder of the district in which said offence is committed, and in default of payment of said fine, to imprisonment for not less than five nor more than twenty days.

Barges.
Ord. No. 4860,
A. S.
Jan., 1879.

Penalty. Ib.

ART. 3197. That the portion of the river front in the Third District included between the wharves near the head of Clouet and Louisa streets, respectively, or from a point seventy feet above Clouet street to a point seventy feet above Louisa street, be and the same is hereby designated as a landing place for boats, barges, or other water craft, to receive coal from cars, subject to all conditions of the wharf lease and other conditions herein set forth.

Coal
Ord. No. 5834,
C. S.
Dec. 13, 1891.

ART. 3198 (2) That from and after the passage of this ordinance, no permission to use any portion of the levee in front of this city for the purpose of keeping a coal landing shall be granted to any person or persons without the unanimous consent and approval of the City Council.

Consent of
Council.
Ord. No. 4782,
A. S.
Dec., 1878.

ART. 3199. That the word "landing," used in Ordinance No. 4782, Administration Series, does not mean to prohibit the landing at the levees of coal boats or barges, but repeals all privileges of coal yards on the levees of the river front; further, it does not imply that batture property belonging to the city may not be rented for coal yards; provided that said yards do not obstruct the egress and ingress to the wharves and landings.

Landing defined.
Ord. No. 4805,
A. S.
Dec., 1878.

ART. 3200. (1) That the Touro Square, in the Third District, be and the same is hereby designated as a coal

Lambert & Co., Hebrard & Roca and H. I. Montagnet.

Ord. No. 6303, A. S. Aug., 1879.

landing, to be occupied as such by A. Lambert & Co., Hebrard & Roca and H. I. Montagnet, each to be entitled to sixty feet front, according to lines to be furnished by the City Surveyor, under the supervision and with the approval of the Administrators of Commerce and Improvements.

Term of lease
Ib.

ART. 3201. (2) That said A. Lambert & Co., Hebrard & Roca and H. I. Montagnet shall have the privilege of occupying and using said portions of the Touro Square for the term of five years, unless the same should be required for the use of the city, in which case the city reserves the right to revoke said privilege after sixty days' notification.

Rent.

Ib.

ART. 3202. (3) That for the first year said A. Lambert & Co., Hebrard & Roca and H. I. Montagnet shall pay no rent for said square of ground, but that for the subsequent years they shall pay each to the city of New Orleans a monthly rental of \$25, payable in advance.

Denegre & Villere, Desfor-
ges, Montagnet & Co., A. Lambert & Co.

Ord. No. 7400, A. S. Oct., 1881.

ART. 3203. (1) That all that portion of the river front in the Third District between Port and St. Ferdinand streets, be and the same is hereby set apart as a coal boat landing for the use of Messrs. Denegre & Villere, Desfor-
ges, Montagnet & Co., A. Lambert & Co., and other coal dealers; provided, that they remove from said batture all snags, piles, logs and other obstructions which now or may hereafter exist therein, and to keep the same, the levee and bulkheading bordering thereon in good order and condition during the continuance of this privilege.

For discharging coal.

Ib.

ART. 3204. (2) That this privilege shall continue until the 28th day of May, 1886; provided, that the grantees herein shall not place any coal on the levee or landing bordering said privilege, but shall use the same solely for discharging their coal, etc.

Repealing other ordinances.

Ib.

ART. 3205. (3) That resolution No. 7111, Ordinance No. 7345, A. S., and all other ordinances in conflict herewith be and they are hereby repealed.

ART. 3206. (1) That that portion of the river front between Race and Robin streets, commencing at a point twenty feet from the river side of Water street (making

said street eighty feet in width instead of sixty feet as at present laid out), and extending to the water's edge, be and the same is hereby set apart as a coal landing and depot for the sole use of W. G. Coyle & Co., C. A. Miltenberger & Co., William Lee, B. D. Wood & Bros., and W. J. Wilmot & Co. and other coal dealers, they paying their pro rata of expense, for the period of ten years from the grant of this privilege; provided, that for and in consideration thereof the parties hereinbefore mentioned do bind themselves to remove all obstructions now on said street to the lines hereinbefore mentioned, and further obligate themselves to fill up to a grade, to be designated by the City Surveyor, the said property herein designated at their expense, and to return the same to the city of New Orleans thus improved, without charge, at the expiration of ten years.

W. G. Coyle
& Co., C. A.
Miltenberger &
Co., B. D. Wood
& Bros., W. G.
Wilmot & Co.,
William Lee.
A. S., 7427.
Nov., 1881.

Should the accretions continue to that extent that the demands of commerce, in the judgment of the Council, necessitate the opening of any street through said property without rendering said property useless for the purposes for which it is intended, whatever space may be required for such street shall be left open for public use without charge to the city.

It is understood that after the expiration of one year they shall remove the bulkhead on Pilie street and be allowed to extend their limits twenty feet further in the river.

To remove
bulkhead. Ib.

ART. 3207. That the privileges granted under Ordinance 7427, A. S., setting aside certain portion of the river front as coal landings to the persons therein designated, be and the same is hereby assigned and transferred to Messrs. W. G. Coyle & Co., James Sweeney, Wood, Schneidau & Co. and Fred. B. Nunn, from the passage of this ordinance until the expiration of the wharf lease now before the Council for adjudication, upon the terms and conditions of Ordinance 7427, A. S.; provided, that said grantees shall at once put in thorough repair, and at all times during the continuance of this grant keep in good order and condition, satisfactory to the Commissioner of Public Works and City

Transfer to
W. G. Coyle &
Co.
Ord. No. 5345.
C. S.
May 12, 1891.

Engineer, the roadway in the rear of this grant and the approaches thereto, viz.: Race and Robin streets, from Tchoupitoulas street to and including said roadway.

N. O. & N. E.
R. R. Co
grant.
Ord. No. 5834,
C. S.
Dec., 1891.

ART. 3208. That the said New Orleans & Northeastern Railroad Company and its assigns shall have the right, and the same is hereby conferred upon it, to construct and maintain on said river front, in the space indicated above, such wharves, piles and machinery and other structures as shall be necessary for the convenient handling of coals; provided, that this privilege shall only continue so long as said company shall keep said wharf in repair, and construct same to the satisfaction of the City Engineer and Commissioner of Public Works; and provided further, that the said wharf shall be open to the use of any railroad terminating in the city of New Orleans at an agreed rate of trackage between the railroads connecting therewith.

N. O. & Ala-
bama Coal and
Mining Co.
Ord. No. 2234,
C. S.
April 26, 1887.

ART. 3209. (1) That permission be and is hereby granted and given to the New Orleans and Alabama Coal and Mining Company and its assigns, to use for a period of twenty-five years from this date, the strip of public ground comprised within Water street or the Belt Railroad track and the levee, the property of the New Orleans Gas Light Company, and Richard street, as a place for receiving and shipping coal, coke, etc., by cars, boats, barges or otherwise, with privilege of constructing thereon switches and turnouts, and of constructing therefrom a switch to the river front, to carry to and receive from boats or other water craft, the coal, coke, etc., of the company; provided, that nothing herein contained shall be construed as interfering with, or abridging in any manner the rights of the present wharf lessees.

Consideration.
Ib.

ART. 3210. (2) That in consideration of this privilege said New Orleans and Alabama Coal and Mining Company shall fill in with river sand or other suitable material, within six months after the promulgation of this ordinance, the pond or space adjoining the Gas Company's property, and between the bulkhead and the present line of the levee.

ART. 3211. (3) That in the contract to be executed under this ordinance, the grantee or grantees shall bind themselves and each of them to hold the city of New Orleans harmless for any action which may be brought by any party or parties to be affected by any of the provisions of this ordinance; provided, that no coal or other material shall be placed on any portion of said ground which shall in any manner interfere with the free and unobstructed access of the New Orleans Water-works Company to any of its pipes, or connections passing through or lying thereon; provided, this shall not prevent the laying of tracks across said ground.

To hold city
harmless. Ib.

ART. 3212. (4) That all ordinances in conflict with the foregoing be and the same are hereby repealed.

Repealing
clause. Ib.

ART. 3213. (1) That permission be and the same is hereby granted to the Louisiana Electric Light and Power Company, its successors and assigns, to use for a period of twenty-five years from the date of the passage of this ordinance, the strip of public ground comprised between Water street or the Belt Railroad track, to the line of the public road fronting the river, Richard street and Market street, as a place for receiving coke, coal, oil, etc., in consideration for which the Louisiana Electric Light and Power Company shall keep the levee from Richard to Market street well lighted during the term of this grant.

La. Electric
Light and
Power Co.
Ord. No. 2658.
C. S.
Nov. 29, 1887.

ART. 3214. (2) That the Mayor be and he is hereby instructed to pass a notarial act embodying the provisions of this ordinance, and that, in said act, the said Louisiana Electric Light and Power Company shall bind itself to hold the city harmless against any recovery of damages which may be obtained in any action which may be brought by any party or parties to be affected by any of the provisions of this ordinance.

To hold city
harmless. Ib.

ART. 3215. (3) That all ordinances in conflict with this ordinance be and the same are hereby repealed, and that this ordinance shall go into effect from and after its passage.

Repealing
clause. Ib.

ART. 3216. That B. D. Wood & Sons, and Desforges & Jung, be and they are hereby authorized, at their

B. D. Wood & Sons, Desfor-
ges & Jung,
Ord. No. 4123,
C. S.
Nov. 19, 1889.

own expense, to erect and keep in order mooring posts and roads, fill up and make level; make landing and plank road outside of the levee on the river front, between Robin and Henderson streets, and use the same as a coal landing for the term of ten years, but revocable at the pleasure of the Council, this grant not being transferable except with the consent of the Council. The plank road in the rear of Water street; the approaches thereto, viz.: Robin and Henderson streets, from Tchoupitoulas street to said roadway, to be kept in perfect repair by said grantees, the upper half of said landing for use by B. D. Wood & Sons, and the lower half by said Desfor-
ges & Jung, each sharing *pro rata* all improvements to be made.

Repealing clause. ART. 3217. That all resolutions or privileges heretofore passed or granted in conflict herewith be and are hereby repealed.

Wharfage dues. ART. 3218. That nothing herein shall be construed as relieving the said grantees from payment of wharfage or similar dues provided by law.

Cotton lo-
cation.
Ord. No. 2883,
C. S.
Dec., 1874.

ART. 3219. That so much of the wharves and landings of the city of New Orleans, from Canal street to Gravier street, be and the same is hereby designated and appropriated as a cotton landing for the Vicksburg and Memphis packets; and from Gravier street to Julia street be and the same is hereby designated and appropriated as a produce landing.

Lug-
ger lo-
cation.
Ord. No. 3345,
C. S.
Nov. 20, 1888.

ART. 3220. That all that portion of the river front embraced between St. Philip and Hospital streets be and the same is hereby set aside and appropriated as a landing for luggers.

Repealing clause. ART. 3221. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Lumber and
timber location
Ord. No. 4435,
C. S.
April 15, 1890.

ART. 3222. That that portion of the public wharves of the city in the Third District, commencing at the head of Montegut street, and extending about 500 feet below the lower line of the New Orleans & Northeastern Railroad Company's wharf to a point near the head of Clouet street, be and the same is hereby designated as a place

for mooring, landing and loading vessels, barges or other water craft, used and employed for the handling of lumber and timber during the months of April, May, June, July, August and September only, for the period of ten years, subject to all the conditions of the wharf lease and other conditions herein set forth.

ART. 3223. That a certain portion of the levee space or landing comprised within the prolongation of Conti and St. Louis streets, the present line of the Louisville & Nashville Railroad track and the Mississippi river, not to exceed one hundred feet in width, commencing at the line of said railroad and extending to a line at said distance to be established by the City Surveyor; the same to be run parallel with said track, from the present lower line of Conti to the present upper line of St. Louis street, and to be divided or separated by post or runners, be and the same is hereby set apart and reserved by the city of New Orleans as a sugar landing for the reception of all sugar and molasses arriving in this city by rail; and any person or persons found depositing, placing or landing any of such sugar or molasses beyond the above mentioned or established lines or boundaries, by dray, wagon or otherwise, shall be considered as violating the spirit of this ordinance, and shall be arrested for such violation, and fined the sum of from five to twenty-five dollars for each offence, or imprisoned for a term of from five to thirty days, at the discretion of the Recorder of the district in which the offence or violation is committed.

Molasses and
sugar location.
Ord. No. 8129,
A. S.
Nov. 9, 1882.

Penalty.

ART. 3224. That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Repealing
clause.
Ib.

ART. 3225. That the portion of the wharf in the first district, say one hundred and fifty feet from the lower line of the St. Louis and Mississippi Valley Transportation Company, be and the same is hereby set apart for the use of the flatboats "in the produce trade."

Produce lo-
cation.
Ord. No. 2751,
C. S.
June 31, 1889.

ART. 3236. That all ordinances or parts of ordinances in conflict with the same is hereby repealed.

Repealing
clause.
Ib.

ART. 3227. That wharves opposite the warehouses of

Salt.
Ord. No. 7194,
A. S.
July, 1881.

Messrs. Jackson & Manson, situated between Fourth and Fifth or Washington streets, and of Jackson & Kilpatrick, situated between First and Second streets, be and the same are hereby set apart as a salt wharf or landing for the reception or shipping of the same from any of said warehouses, and that all vessels or steamboats arriving with or for such cargoes shall have preference of landing at said wharves; provided, that no such goods shall be placed on any of said wharves or landings for a longer period or in a greater quantity than may be deemed safe by the wharfinger of the district. This permission revocable at the pleasure of the Council.

PRIVILEGES.

ART. 3228. WHEREAS, certain steamship lines have been granted preference privileges of the larger portion of wharves along the river front, on condition that they keep the approaches to said wharves in good condition during the existence of their privilege.

Approaches
repaired.
Ord. No. 5571
C. S.
Sept. 1, 1891.

Therefore, be it resolved, That the Commissioner of Public Works notify the said steamship lines, or their authorized agents, to have said approaches repaired within sixty days, to the satisfaction of the Administrator of Public Works; otherwise all ordinances granting said privileges be and the same are hereby repealed.

MISSISSIPPI VALLEY TRANSPORTATION COMPANY.

Location.
Ord. No. 2249,
A. S.

ART. 3229. (1) That that portion of the public wharves of the city laying in the First District of the city, commencing at a point 577 feet above the lower line of the wharf known as the Morgan wharf, and extending to a point seventy-five feet below the same lower line of Morgan's wharf, be and the same is hereby designated and set apart as the place for mooring, landing and unloading the vessels, barges or other water crafts used and employed by the Mississippi Valley Transportation Company, of East St. Louis, Illinois, a corporation duly created by law, in the transportation of freight between the city of New Orleans and other points on the Mis-

Mississippi river and its tributaries, for the period of eight years, subject always to the conditions herein set forth.

ART. 3230. (2) That the said Mississippi Valley Transportation Company, their successors and assigns, shall have the exclusive use and occupancy of said wharves, and shall not be ousted therefrom by any ordinance or wharf regulation for or during the above named period, unless said company shall have been, by due legal proceedings, adjudged to have forfeited its rights granted by this ordinance, and any and all contracts made under the authority thereof, and in accordance therewith.

ART. 3231. (3) That the said Mississippi Valley Transportation Company shall have the use and occupancy of the said wharves, subject to the following conditions: Said company shall be in all things, in so far as the use and occupancy of said wharves are concerned, subject to all general ordinances and wharf regulations applying generally to the entire levee, under the control of the municipal authority of the city; provided, such ordinance or regulation does not discriminate against said company in the use of said wharves, to the injury and prejudice of said company.

ART. 3232. (4) That said company shall have the right to enter upon and take possession of said wharves at once and without delay, and make any and all such repairs as may be necessary to render said wharves secure and adapted to its use. That said company shall render to the city full, true and exact accounts of all material used and labor expended in the repair and improvement of said wharves, under the direction of the Administrator of Improvements and City Surveyor, accompanied with vouchers showing the actual cost of such repairs and improvements, which account, when found to be true and correct by the Administrator of Accounts, as the proper auditing officer of said corporation, and certified to by the City Surveyor, shall be passed to the credit of said company in cash, and the said company shall be charged with all wharf dues legally chargeable against said company for the use of said wharves until

the total of wharf dues so charged and due shall equal the amount expended by the company in the repairs or improvements of said wharves, when the same shall be balanced, and said company's demand against the city for such repairs discharged, provided always that the company shall be chargeable with and required to pay the same rate of wharfage on levee dues as other persons, corporations or associations landing or unloading goods in this city from vessels, or using the wharves or levee for any purpose connected with navigation.

Encroach-
ments.

ART. 3233. (5) That should the river eneroach upon the bank at the place where said wharves are situated to such an extent as to sweep away the artificial work or wharf, or so much thereof as to materially impair its usefulness to said company, then said company shall not be required to retain the same, but may abandon the same, or repair and rebuild the wharf upon the same terms as to payment and reimbursement as provided in this ordinance for repairs or improvements, as it may elect. If, on the other hand, the shore of the levee should recede from the present levee or wharf front, by filling or otherwise, or from any other cause it should become expedient to extend said wharf out toward the water, or to construct an apron in front of said wharf, then and in that case said company shall have the right to extend the same upon the same terms and subject to the same conditions as the reimbursement of money expended in such extension as hereinabove provided in case of repair and improvements, that is to say, may retain the amount due the city for wharf dues, until said company shall be reimbursed for all moneys so expended; provided, that said wharf shall not be extended more than fifty feet in any one year without the consent of the City Council.

Not transfer-
able.

ART. 3234. That the privileges hereby granted to the Mississippi Valley Transportation Company shall not be transferable without the consent of the Council, and the Council shall have the right to withdraw said privilege and annul the contract, in the event of the company ceasing to use the wharves, or using them so little that

the revenues derived therefrom by the city shall be less in any one year than two-thirds of the amount fairly estimated that would have been received from transient vessels or those having no special privilege.

ART. 3235. That nothing in this ordinance, or in the grant of wharves or other rights, or in the notarial act made in pursuance of this ordinance, shall be construed as binding the city of New Orleans, or making the said city liable directly, or in warranty, for any claims of citizens or corporations on account of said ordinance, grant or notarial act, or any claims for infringement of rights, or damage to person or property caused by the grantees, or in any way resulting from the construction and use of said wharves by the said grantees, or for any claims for damages, losses or injuries sustained by the said grantees, or their successors or assigns, in case they should be deprived of their rights, or be interfered therewith in the exercise thereof by any person whatever, save it be the lawfully constituted authorities of the city.

City not liable.
1b.

ART. 3336. That the Mayor is authorized and directed to enter into a notarial act of contract with the said company or its agents, to secure to the city and to said company the respective rights and privileges named in this ordinance, in accordance with the spirit and intent thereof.

Notarial con-
tract. 1b

RED RIVER PACKET LANDING.

ART. 3237. That said Red River packet landing be and the same is also hereby assigned as a steamship landing.

Ord. No. 2833,
A. S.

C., ST. L. & N. O. RAILROAD.

ART. 3238. (1) That all that portion of the wharves of the city extending from the lower line of the New Orleans Pacific Railway grant for wharves down to a point within two hundred and twenty-five feet of the upper line of the present wharf of the Louisville & Nashville Railroad is hereby set apart for the use of and as a landing place for steamboats, barges, steamships, sailing vessels and other water crafts, delivering cargoes

Dec., 1871.
Location.
Ord. No. 7037,
A. S.
May, 1881.

to or receiving cargoes from the Chicago, St. Louis & New Orleans Railroad Company; provided, however, that it is not the intention of this ordinance to give said railroad company the exclusive right to use said wharves, but only to give such preference in the use thereof as will facilitate the transaction of the business consigned to and from said railroad company.

Subject to all
rules and reg-
ulations.

Ib.

ART. 3239. (2) That the said wharves hereby set aside shall continue subject to all the rules and regulations of the Council pertaining to the wharves, and that the harbor master, or wharfinger shall not assign the use thereof to vessels other than those doing business with said railroad company, except when such assignment shall not interfere with the delivery or receipt of cargoes to and from said railroad; and provided further, that any vessel or vessels occupying said wharves and not engaged in discharging cargoes to or receiving cargoes from said railroad company shall, at the request of said railroad company, be required to haul outside, to admit any vessel to land at said wharf to discharge or receive cargoes to or from said railroad company.

Renewal of
wharves.

Ib.

ART. 3240. (3) That permission is hereby granted to the said Chicago, St. Louis & New Orleans Railroad Company to renew the wharves herein set aside for its use, and from time to time to fill up said wharf for such distance as will leave at least sixty feet of wharf superstructure, and to construct such improvements, betterments and repairs upon and to the same as may be necessary to render and keep them in all respects suitable and proper for the transaction of the business of said railroad company; provided, that a plan of such renewals, improvements and repairs shall be first approved by the City Council; the cost of such renewal, improvements and repairs, to the extent that said cost may represent the cost of renewing, improving and repairing the said wharves according to specifications on file in the City Surveyor's office, shall be reimbursed to the said railroad company out of the revenues derived from the wharves herein designated, by such party or parties as may be authorized to collect such revenues;

provided, that no vessels or water craft shall use this landing to receive or discharge cargoes without paying the usual wharf dues; and that the payments so to be made to the said railroad company in reimbursement by the lessees, or such person as the city may authorize to collect the wharfage, shall only be required to be made at the end of each three months, and shall embrace the entire revenue collected from said wharves until the full amount shall have been refunded to the said railroad company. It is also understood that nothing in this ordinance shall be construed to grant to said railroad company the right to collect the revenues of said wharves unless authorized by said city to do so, or to interfere with the right of the city to collect the same in such manner as the said city may elect.

ART. 3241. (4) That the said Chicago, St. Louis & New Orleans Railroad Company is hereby authorized to construct and maintain such track or tracks to, along or upon the said wharves and landing as may be necessary for the convenient and expeditious transaction of the business of said railroad company; provided, that any track laid upon said wharves shall be flush with the planking, so as to offer no impediment in crossing over said track; and the said railroad company may erect a shed or sheds over so much of said wharves or such portion filled, hereby set apart for them, as may be necessary to protect fruit, coffee, provisions, cotton and other merchandise, liable to damage by exposure to the weather.

To construct
tracks.
Ib.

ART. 3242. (5) The said railroad company shall have the right to remove from the said wharf or landing, at the expiration of this grant, any shed or buildings they may have erected thereon with the consent of the City Council, unless the said city or wharf lessees shall elect to pay for and retain the same upon the said wharves or landings, at their valuation of such sheds or buildings, to be determined by appraisalment, if the parties thereto can not agree.

Removal of
sheds.
Ib.

ART. 3243. (6) The said railroad company hereby agrees, in consideration of the facilities granted to it by

Consideration.
Ib.

setting aside said wharves and landings for its use, to keep Erato street, from Pilie street to said wharf, and Gaienne street, from Pilie street to said wharf, in good order and condition for ingress and egress to and from said wharves and landings, set aside to and known as the Chicago, St. Louis & New Orleans Railroad Company wharf, during the continuance of this assignment of said wharves and landings to the Chicago, St. Louis & New Orleans Railroad Company.

Terms of grant. ART. 3244. (7) That this ordinance shall be in full
Ib. force and effect the first day of June, 1891, for a term of ten years.

T. & G. FORWOOD.

Location.
Ord. No. 7075,
A. S.
May, 1881.

ART. 3245. (1) That four hundred (400) feet of the river front, from the upper end of the N. O. & T. Railway wharf, say on a line with the lower end of Terpsichore street, and running up stream to a point in front of Henderson street, according to a survey of the same (the lines and distances of which to be furnished by the City Surveyor), be and the same is hereby set apart, during a term of ten years, from the 1st of September, 1881, for the use of steamships of which T. & G. Forwood are agents; but this is not to be construed as an exclusive privilege to T. & G. Forwood, except that they shall have the preference to the use of such wharves whenever they have a steamship in port, or immediately due, to occupy the wharf.

Dues. ART. 3246. (2) That all steamships and vessels land-
Ib. ing at that wharf will pay the authorized collector of wharves and levee dues the customary wharves and levee dues of the port.

Woodwork, ART. 3247. (3) That the lessees of wharves, under
Ib. Ordinance No. —, A. S., be required to build and complete the woodwork of the wharf four hundred feet long from the upper end of the N. O. & Pacific Railway wharf by the 1st September, 1881.

Bulkhead. ART. 3248. (4) That T. & G. Forwood be permitted
Ib. to build a new bulkhead 400 feet long, in a line parallel with and seventy-two feet from the bulkhead now exist-

ing, and extending along the river front 400 feet from the upper end of the N. O. & P. Railway wharf.

ART. 3249. (5) That T. & G. Forwood be permitted to ^{Filling.} fill with the river sand to be taken from the batture or accretion outside of the new bulkhead referred to above, all that space requiring filling to be flush with the wharf between the new bulkhead and the present bulkhead. Ib.

ART. 3250. (6) That T. & G. Forwood are hereby au-^{Shed.}thorized to construct and maintain for their exclusive purpose, for a term of ten years from the 1st of September, 1881, a suitable and substantial shed not exceeding four hundred feet long and seventy feet wide, on the site between the new bulkhead above referred to and the present bulkhead. Ib.

ART. 3251. (7) That T. & G. Forwood shall have the ^{To remove sheds, etc.}right to remove from the said wharf or landing, at the expiration of this grant, any shed or building that may have been erected thereon with the consent of the City Council, unless the said city or wharf lessees shall elect to pay for and retain the same upon said wharves or landings at the then valuation of such sheds or buildings, to be determined by appraisement, if the parties thereto can not agree. Ib.

ART. 3252. (8) That for and in consideration of the ^{To cover approaches.}foregoing privileges, the said T. & G. Forwood are hereby required to cover the approach leading from Henderson street, from Water street to the wharf contemplated in the foregoing privilege, and Pilie street and the landing along said four hundred feet of wharf privilege, a sufficient thickness of hard substances, such as rock, oyster shells or gravel, and to keep the same always in good order and condition; all of which improvements, etc., shall be made under the supervision of the Administrator of Commerce and Improvements, and according to specifications to be furnished by the City Surveyor. Ib.

LOUISVILLE & NASHVILLE R. R. CO.

(FORMERLY NEW ORLEANS, MOBILE & TEXAS R. R.)

ART. 3253. (1) That all that portion of the wharves of the city extending from the lower line of the C., St. L. & N. O. R. R. grant for wharves to the present wharf of ^{Landing. Ord. No. 728, A. S. Aug., 1881.}

the N. O., M. & T. R. R. Company as reorganized, is hereby set apart for the use of and as a landing place for steamboats, barges, steamships, sailing vessels and other water crafts delivering cargoes to or receiving cargoes from the N. O., M. & T. R. R. Company, as reorganized; provided, however, that it is not the intention of this ordinance to give said railroad company the exclusive rights to use said wharves, but only to give it such preference in the use thereof as will facilitate the transaction of the business consigned to and from said railroad company.

Use of wharf.
Ib.

ART. 3254. (2) That said wharves hereby set aside shall continue subject to all the rules and regulations of the Council pertaining to wharves; and that the harbor master or wharfinger shall not assign the use thereof to vessels other than those doing business with said railroad company, except when such assignment shall not interfere with the delivery or receipt of cargoes to and from said railroad; and provided further, that any vessel or vessels occupying said wharves and not engaged in discharging cargoes to or receiving cargoes from said railroad company shall, at the request of said railroad company, be required to haul outside to admit any vessel to land at said wharf to discharge or receive cargoes to or from said railroad company.

Renewal of
wharf.
Ib.

ART. 3255. (3) That permission is hereby granted to the said New Orleans, Mobile & Texas Railroad Company, as reorganized, to renew the wharves herein set aside for its use, and from time to time fill up said wharf for such distance as will leave at least sixty feet of wharf superstructure, and to construct such improvements, betterments and repairs upon and to the same as may be necessary to render and keep them in all respects suitable and proper for the transaction of the business of said railroad company; provided, that a plan of such renewals, improvements and repairs shall be first approved by the City Council; the cost of such renewal, improvement and repairs—to the extent that said cost may represent the cost of renewing, improving and repairing the said wharves according to specifications on

file in the City Surveyor's office—shall be reimbursed to the said railroad company, out of the revenues derived from the wharves herein designated, by such party or parties as may be authorized to collect such revenue; provided, that no vessels or crafts shall use this landing to receive or discharge cargoes, without paying the usual wharf dues; and that the payment so to be made to said railroad company in reimbursement by the lessees, or such person as the city may authorize to collect the wharfage, shall only be required to be made at the end of three months, and shall embrace the entire revenue collection from said wharves until the full amount shall have been refunded to the said railroad company. It is also understood that nothing in this ordinance shall be construed to grant to the said railroad company the right to collect the revenue of said wharves, unless authorized by said city to do so, or to interfere with the right of the city to collect the same in such manner as the said city may elect.

ART. 3256. (4) That the said New Orleans, Mobile & ^{Tracks.} Texas Railway Company, as reorganized, is hereby authorized to construct and maintain such track or tracks to, along or upon the said wharves or landings as may be necessary for the convenient and expeditious transaction of the business of said railroad company; provided, that any track laid upon said wharves shall be laid flush with the planking, as to offer no impediment in crossing over said track; and the said railroad com- ^{Sheds.} pany may erect a shed or sheds over so much of said wharves or such portion filled, hereby set apart for them, as may be necessary to protect fruit, coffee, provisions, cotton and other merchandise liable to damage by exposure to the weather. ^{Ib.}

ART. 3257. (5) That said railroad company shall have the right to remove from the said wharf or landing, at the expiration of this grant, any shed or buildings they may have erected thereon with the consent of the City Council; unless the said city or wharf lessee shall elect to pay for and retain the same upon said wharves or landings at the then valuation of such sheds or build- ^{Right to re-move sheds.} ^{Ib.}

ings, to be determined by appraisement if the parties hereunto can not agree.

Name. ART. 3258. (6) Said wharves shall be known as the
Ib. wharves of the New Orleans, Mobile & Texas Railroad Company, as reorganized, and during the continuance of this assignment of said wharves and landings to the New Orleans, Mobile & Texas Railroad, as reorganized.

To keep levee in good condition. ART. 3259. (7) That the Louisville & Nashville Railroad
Ib. Company shall keep Calliope street, from the centre of Water street to the wharf, and the entire front or levee room granted to them, in good order and condition, except such portion or portions of the same as may hereafter be occupied by the Chicago, St. Louis & New Orleans Railroad Company, which will be required to be kept in like good order and condition by the said Chicago, St. Louis & New Orleans Railroad Company. The said Louisville & Nashville Railroad shall also cover the said front or levee room with such hard substance as may be designated by the City Surveyor, similar to that used in covering other portions of the levee. They are also hereby required to take up the woodwork of their old track on the "Cotton Levee," between Canal and Girod streets, and fill the same with shell, gravel or ballast, and shall also be required to fill up the batturé at the "Barge Landing" to the grade of their track.

Not to affect right to lay tracks. ART. 3260. (8) That it is further understood that
Ib. nothing herein contained shall affect the right of the Chicago, St. Louis & New Orleans Railroad Company to lay their tracks upon the wharf, as per plans and specifications adopted by the City Council.

Term of grant. ART. 3261. (9) That this ordinance shall be in full force and effect from and after its promulgation, and be and remain in force for a term of ten years.

ILLINOIS CENTRAL AND LOUISVILLE & NASHVILLE RAILROAD COMPANIES.

Right. ART. 3262. (1) That all that part of the wharves and
Ord. No. 5177, landings of the city, extending from the lower line of
C. S. the grant of wharves to the New Orleans Pacific Rail-
March 10, 1891. way Company, as shown in Jewell's Digest, revised edi-

tion of the city ordinances, page 202, to-wit: from the south side of Thalia street, extended to the Mississippi river down to the lower or northern line of Calliope street, be and the same is hereby set apart for the use of and as a landing place for steamships, ships, sailing vessels, steamboats, barges and other water craft delivering cargoes to or receiving cargoes from the Illinois Central Railroad Company; and that all that portion of the wharves and landings of the city extending down the river from the lower limit of the regular wharf of the New Orleans, Mobile & Texas Railroad Company (as reorganized, the Louisville & Nashville Railroad Company), to a point two hundred and fifty feet below the lower limit, be and the same is hereby set apart as a landing place for steamships, sailing vessels, steamboats, barges, and other water craft delivering cargoes to or receiving cargoes from the said New Orleans, Mobile & Texas Railroad Company, as reorganized, the Louisville & Nashville Railroad Company; provided, however, that it is not the intention of this ordinance to give to either of said railroad companies the exclusive right to use said respective portions of the wharves, but only to give the said companies respectively such preference in the use thereof as will facilitate the transaction of the business consigned to and from said railroad companies respectively.

ART. 3263. (2) That the said wharves and landings hereby set apart shall continue subject to the general rules and regulations of the Council pertaining to the wharves, and that the harbor master or wharfinger shall not assign the use thereof to vessels other than those doing business with said respective railroad companies, except where such assignment shall not interfere with the delivery or receipt of cargoes to and from said railroad companies respectively; and provided further, that any vessel or vessels occupying said wharves, and not engaged in discharging cargoes to or receiving cargoes from said railroad companies respectively, shall, at the request of that company to which said respective portion of the wharves is allotted, be required to haul outside, to

Use of wharves.
Ib.

admit any vessel to land at said wharf to discharge or receive cargo to or from such railroad company.

Renewal of
wharves.
Ib.

ART. 3264. (3) That permission is hereby granted to the Illinois Central Railroad Company and the said New Orleans, Mobile & Texas Railroad Company, as reorganized, the Louisville & Nashville Railroad Company, to renew and improve the respective portion of the wharves and landings herein set aside for their use respectively, and from time to time to fill up said wharves for such distance as will have at least sixty (60) feet of wharf superstructure, and to construct such improvements, betterments and repairs upon said wharves and landings and places filled in at the expiration of this grant, any shed or building erected by them respectively with the consent of the Common Council, unless the city of New Orleans, or the wharf lessees shall elect to pay for and retain the same upon said wharves and landings at the then valuation of such shed or sheds or buildings, to be determined by an appraisalment, in case the parties hereto can not agree.

Consideration.
Ib.

ART. 3265. (6) That in consideration of the facilities granted to the said railroad companies in setting aside said wharves and landings for their respective uses, it shall be the duty of said companies, and the said respective companies hereby agree to keep in repair the following streets, to-wit: The Illinois Central Railroad Company hereby agrees to keep Erato street, from Pilie street to said wharf, and Gaiennie street, from Pilie street to said wharf, and the Illinois Central Railroad Company and the Louisville & Nashville Railroad Company shall jointly, and in the proportion which they now maintain, keep Calliope street, from Water street to said wharf, in good order for ingress to and egress from said wharves and landings during the continuance of this grant, and the said companies hereby agree in like manner jointly to keep in good order and repair Water street, from Calliope to Julia, and the Louisville & Nashville Railroad Company shall keep in repair Julia street, from Water street to said wharf, during the continuance of this grant.

ART. 3266. (7) That this ordinance shall take effect Take effect. Ib.
from and after its promulgation, and shall be in force
and effect for the term of twenty-five years.

CROMWELL LINE.

ART. 3267. (1) That all that portion of the river front Right. Ord. No. 8048, A. S. Sept. 12, 1882.
comprised within the prolongation of the original lower
lines of St. Louis and Toulouse streets be and the same
is hereby set apart during a term of ten years, from the
15th day of August, 1882, for the use of the Cromwell,
New York and New Orleans Steamship Line, of which
Messrs. A. Moulton & Co., of this city, are agents; but
this is not to be construed as an exclusive privilege to
the said line of steamers, except that they shall have
preference of the use of such wharf or river front when-
ever they have steamships in port, or immediately due,
to occupy the same.

ART. 3268. (2) That the Cromwell, New York and New Sheds, etc. Ib.
Orleans Steamship Company are hereby authorized to
construct and maintain for their exclusive use, on said
levee or landing, during the term of this grant, as above
specified, a suitable freight shed or building, not to
exceed in length the space comprised within the present
lower line of St. Louis street, and the present upper
line of Toulouse street; provided, the same be con-
structed according to plans and specifications to be
furnished by the City Surveyor.

ART. 3269. (3) That in case the said steamship company Improvements. Ib.
should dissolve or change hands, the said improvements
shall not remain in any ownership to the exclusion of
any other line of steamships or other vessels which may
be assigned to the same landing, but shall be either in
common to any and all vessels arriving at or assigned to
said landing, or removed or sold to the city or lessees of
the wharves, according to the stipulations hereinafter
mentioned.

ART. 3270. (4) That at the expiration of this grant or Right to re-
move sheds,
etc. Ib.
privilege, should the city of New Orleans deem proper
to change the place of landing of said steamers, the said
Cromwell, New York and New Orleans Steamship Com-

pany shall have the right to remove said shed or building from the before mentioned levee or landing to any place the city may designate as a landing for said line of steamships, unless the city or wharf lessee shall deem proper to pay for and retain the same upon said levee or landing at the then valuation of such shed or building, the same to be determined by appraisement, if the parties thereto can not agree.

To cover
approaches.

ART. 3271. (5) That in consideration for the above privilege or grant, the said Cromwell, New York and New Orleans Steamship Company obligate and bind themselves to cover the approaches leading to said landing, from the line of the Louisville & Nashville Railroad track to the line of the wharf, and the space in front of the above mentioned shed with a sufficient thickness of hard substance, such as rock, oyster shells, gravel or cinders, and to keep the same at all times in good order and condition.

Repealing
clause.

ART. 3272. (6) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Ord. No. 6650,
C. S.
Aug. 30, 1892.

ART. 3273. That Ordinance No. 5509, C. S., an ordinance granting permission to the Cromwell steamship line to erect an open shed on their wharf be and the same is hereby repealed.

NEW ORLEANS PACIFIC RAILWAY COMPANY.

Right.
Ord. No. 6938,
A. S.
March, 1881.

ART. 3274. That the said New Orleans Pacific Railway Company, its successors and assigns, shall have the right, and the same is hereby conferred, for the term of its charter, and from and after the expiration of the existing lease of city wharves, to enclose and occupy, for its purposes and uses, that portion of the levee, batture and wharf in the city of New Orleans in front of its riparian property, acquired or to be acquired, between Thalia and Terpsichore streets, and to erect and maintain thereon, at its own expense, such ferry facilities, wharves, piers, warehouses, elevators, yards, tracks, depots, stations, sheds and other structures as shall be necessary and convenient for the trans-

fer of cars, engines, passengers and freight, and in the transaction of its business. No vessel shall occupy or lie at such wharves without the consent of the company, its successors or assigns, or discharge or receive cargo thereat, and all vessels lying at or using said wharves by such consent and on the business of the company shall be exempt from the payment of levee or wharf dues to the city of New Orleans.

Said wharves and other structures shall be lighted Lights and Police. and policed by said company at its own expense. Ib.

Any vessel lying at these wharves with the consent of the company, but not on its business, or not for the purpose of discharging or receiving freight or passengers to or from said company as a carrier, shall be liable to the city for usual wharf or levee dues. Wharf dues. Ib.

Any vessel using said wharf to receive any freight not coming to or going from said company as a carrier shall pay usual wharfage dues to the city.

ART. 3275. In consideration of the permission herein given, the company will build three hundred feet of new wharf at such point between Terpsichore and Jackson streets, for the city, as the Administrator of Commerce may indicate, and will pave Pilie street, between Thalia and Terpsichore streets, and Terpsichore street, between Pilie and Front streets, with square blocks of granite, or with blocks of compressed asphalt, and keep the same in good order. Consideration. Ib.

The rights conferred by this section shall not be held to interfere with the rights of the city to police any part of the river front.

NEW ORLEANS & NORTHEASTERN RAILROAD COMPANY.

ART. 3276. Whereas, There is now existing a litigation between the city of New Orleans and the New Orleans & Northeastern Railroad Company, as appears by the suit of the city of New Orleans against the New Orleans & Northeastern Railroad Company, No. 11,375 on the docket of the Circuit Court of the United States for the Fifth Circuit and Eastern District of Louisiana, which is not likely to be terminated in a short time; and Ord. No. 2145, C. S. April 26, 1887.

Whereas, There are now no sufficient wharves in front of the depot property of said railroad company and below Port street, in the Third District of New Orleans, and it is desirable that wharves should be constructed there; and

Whereas, The said New Orleans & Northeastern Railroad Company are willing to construct wharves on the river front below Port street, and advance the necessary outlay of money for that purpose on certain conditions, notwithstanding the pending of said suit, which is not to be affected thereby; and

Whereas, The consent of the wharf lessees, as required in paragraph three (3) of section two (2) of Ordinance No. 7483, A. S., has been obtained.

Mayor authorized to contract.

ART. 3277. That the Mayor be and is hereby authorized and directed to enter into a contract, by notarial act, with the New Orleans & Northeastern Railroad Company, for the construction and maintenance of wharves on the river front, from the prolongation of the lower property line of Port street to the prolongation of the upper property line of Montegut street, in the manner and under and within the terms and conditions contained in the said Ordinance No. 7483, A. S., relative to the occupation and use of said river front provided by said Ordinance No. 7483, under the following conditions, to-wit:

To rebuild new wharves.

1. The said New Orleans & Northeastern Railroad Company shall rebuild, without unnecessary delay, not to exceed four months, at any other place within the Third District of this city as may be designated by the City Council of New Orleans, new wharves, equal in extent, square for square, as per measurement of the City Surveyor, to replace the wharves which are or may be on the said river front at the time the said New Orleans & Northeastern Railroad Company takes possession of the same.

To be repaired.

2. That should the right to the use of said space of river front, and the said wharves thereon be adjudicated and decreed as not conferred on the said railroad company, then and in that case the next wharf lessees shall,

out of the fund for new wharves provided in their contract with the city, repay said railroad company the entire amount and value of all wharves constructed by them.

ART. 3278. (2) That should the right to said space Money to be refunded. Ib. of river front, and said wharves to be constructed between Port and Montegut streets, be adjudicated and decreed as not legally conferred on said railroad company, then and in that case the whole amount of money outlaid by said railroad company shall be refunded and paid to said railroad company out of the first money to be appropriated to new work in the construction of wharves in New Orleans, under a renewal of the present lease, or any other lease that may hereafter be made of the wharves, and the city of New Orleans subrogates the said railroad company to its rights against any wharf lessees to have such appropriation of the funds for new work, and in default thereof the city of New Orleans shall pay said moneys to the said railroad company.

ART. 3279. (3) That it shall be specially stipulated Not to relieve or impair obligation of contract. Ib. in said contract that nothing in this ordinance shall in any way relieve the said railroad company of any of the obligations imposed by the provisions of the said Ordinance No. 7483, A. S., or in any way impair or prejudice the rights of the city of New Orleans, now in contestation in the suit of the city of New Orleans vs. said Railroad Company, No. 11,375 on the docket of the Circuit Court of the United States for the Fifth Circuit and Eastern District of Louisiana, nor shall the rights of the said railroad company, as set forth in the said suit No. 11,375, be prejudiced in consequence of this ordinance and the said notarial agreement, which shall be according as the said case may be determined; and as the rights of the said railroad company may be adjudicated and decreed therein on final decree in the appellate court, which said suit shall proceed to a final termination thereof, for the purpose of fixing the rights of the parties thereto; nor shall this agreement be offered in evidence or referred to in said suit.

NEW ORLEANS ELEVATOR AND WAREHOUSE COMPANY.

Grant.
Ord. No. 899,
N. S.
May, 1868.

ART. 3280. (1) That in consideration of the establishment in the city of New Orleans of grain elevators, warehouses and appurtenances on the part of and at the expense of the "New Orleans Elevator and Warehouse Company," said works to be commenced within sixty days, and to be completed within one year after the promulgation of this ordinance, the city of New Orleans does hereby grant to the said New Orleans Elevator and Warehouse Company the privilege of building a wharf equal to any now existing in the city; said wharf to be built on a point on the river bank opposite the square of ground bounded by Pleasant, Harmony, Tehoupitoulas and Levee streets, to occupy two hundred and seventy-five (275) feet of the river bank, and to be built into the river sufficient distance so as to be in twenty feet of water at low water, said wharf to be built and kept in repair at the expense of said company, and under the supervision of the City Surveyor.

Exemption
from wharf
and levee
dues.

ART. 3281. (2) That all steamboats or vessels consigned to the New Orleans Elevator and Warehouse Company, and landing at their wharf for the purpose of discharging and receiving grain, shall be exempted from paying wharf and levee dues while at said wharf.

Conveyors
across and
over side-
walks and
streets.

ART. 3282. (3) That the city of New Orleans does further grant to the New Orleans Elevator and Warehouse Company the privilege of constructing and working conveyors from their elevators, across and over the side-walks and streets, to their wharf, said conveyors to be constructed at least twenty feet above the level of the street.

Reversion.

ART. 3283. (4) That the city of New Orleans does grant these privileges before named to the New Orleans Elevator and Warehouse Company for the term of fifteen years, and at the expiration of this privilege said wharf to revert to the city at a valuation to be fixed by two disinterested parties, one to be appointed by the city and the other by the company, and in the event of a disagreement as to said valuation between said parties,

an umpire shall be appointed by one of the District Courts of New Orleans, the decision thereby had to be final.

ART. 3284. (1) That permission be and is hereby granted to the "New Orleans Elevator and Warehouse Company" to build a wharf, or to erect mooring posts, for a distance of fifty (50) feet above their property upper line, being from the lower line of Pleasant street and extending to a point fifty feet above the said lower line of Pleasant street, all of which shall be constructed under the immediate supervision of the City Surveyor and Commissioner of Public Works.

Wharf and
mooring posts.
Ord. No. 432,
C. S.

ART. 3285. (2) That the above privileges shall extend and be in full force from the passage of this ordinance until the 8th day of August, 1893, at which date the charter of the company expires.

Take effect.
Ib.

ART. 3286. (3) That said wharves, mooring posts, etc., shall revert to the city of New Orleans at the expiration of this privilege at a valuation to be fixed and ascertained by two disinterested persons, one to be appointed by the city and the other by the company, and in the event of a disagreement as to the valuation between said persons, an umpire shall be appointed by one of the District Courts of New Orleans; and provided, that said Elevator and Warehouse Company shall execute good and sufficient bonds to the Mayor, on demand, to pay for fifteen hundred dollars' worth of intersection paving, being the city's portion on such streets as the Council shall by resolution hereinafter determine.

Reversion.
Ib.

ART. 3287. (4) That the said company is not permitted to make any charges or collect wharfage dues for any vessel that may be moored at said wharf.

Wharfage dues.
Ib.

ART. 3288. (5) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Repealing
clause.
Ib.

WHARF LEASE—FIRST, SECOND, THIRD AND FOURTH DISTRICTS.

Comptroller to advertise.
Ord. No. 5247.
C. S.
April 21, 1891.

ART. 3289. (1) That the Comptroller be and he is hereby directed to advertise till 12 o'clock M. May 4, 1891, for sealed proposals for the lease of the wharves for a term of ten years, commencing at the expiration of the term of the present lease, say May 29, 1891, under specifications approved by the City Council, the city reserving the right to reject any and all proposals, and readvertise for same until adjudicated to the satisfaction of the City Council; "in the event that all proposals should be rejected, the Comptroller shall immediately readvertise for such time and in such manner as the Council may direct."

No proposal shall be considered unless accompanied by a cash deposit or certified check for the sum of thirty-five thousand dollars, as an evidence of the good faith of the bidder, under the conditions that the same shall be forfeited to the city in case the bidder refuses to comply with the terms and conditions of the adjudication, and to sign the notarial act; the money so deposited shall be returned when the notarial act and bond shall have been duly signed.

Revenues.
Ord. No. 5256,
C. S.
April 21, 1891.

ART. 3290. (1) That the Comptroller of the city of New Orleans shall, after the enactment of this ordinance, and after having given the notice heretofore provided for, in the official journal, that he will advertise for sealed proposals for their sale, adjudicate, as provided for in section 25, and in accordance with the stipulations hereinafter contained, the revenues of the wharves and landings of the city of New Orleans, collectible at the rates now charged and fixed under the lease with Joseph A. Aiken & Co., which reads as follows:

Ordinances fixing and regulating the charges for wharfage, levee and other facilities afforded by the city of New Orleans to commerce. Ordinance, January 19, 1875.

Ships and other decked vessels and steamships.

ART. 3291. (1) Upon all ships and other decked vessels and steamships arriving from sea and landing or mooring at any wharf in the city, the charges shall be as follows:

On 1000 tons and under, 20 cents per ton; excess over 1000 tons 15 cents per ton. Steamships in the Gulf Mexico trade, 15 cents per ton.

ART. 3292. (2) The same payments on ships or sail vessels shall be exacted as on steamships, and an extra charge of one-third these rates shall be paid by all sail vessels or steamships which may remain in port over two months, the same to be recovered before departure, and if they remain over four months an additional charge of one-third these rates per term of two months from arrival to departure.

Ships or sail
vessels.

ART. 3293. (3) The wharfage dues on all steamboats shall be fixed as follows:

Steamboats.

Not over five days, ten cents per ton; each day after, five dollars per day. Boats arriving and departing more than once a week, five cents per ton each trip. Boats laying up for repairs during the summer months to occupy such wharves as may not be required for shipping, for thirty days or under, two dollars per day. All over thirty days, one dollar per day.

ART. 3294. (4) On barges, steamboat hulls used as barges, flatboats and other licensed vessels employed regularly in transportation of merchandise on the Mississippi river, the wharfage rates shall be the same as charged now for steamboats in the same business, viz.:

Barges, etc.

If in port eight days, ten cents per ton; after said eight days, five dollars per day; barges arriving and departing more than once a week shall pay only, on each trip, five cents per ton; provided, also, that this resolution shall not apply to barges, flatboats and vessels that come to this port for a single trip, to be broken up, or their use as carriers of merchandise to be discontinued at end of trip.

ART. 3295. (5) On flatboats, barges, etc., fully or in part laden, the wharfage or levee dues shall be as follows:

Flatboats and
barges.

Flatboats not measuring over 80 feet, \$8; flatboats 80 to 100 feet, \$10; flatboats 100 feet and over, \$13. On each barge less than 70 feet and not over 20 tons, \$8; on each steamboat hull used as a barge, \$25.

And an extra rate of wharfage shall be imposed at the same rate for every eight days thereafter, recoverable at the commencement of the ninth day.

Qualifications. ART. 3296. (6) Charges mentioned in preceding sections exigible only from such of said vessels as land or moor at the wharves and piers furnished by the city of New Orleans.

Charges. ART. 3297. (7) Where there are neither wharves nor piers, but merely the levee with suitable conveniences for making fast, the charge shall be for—

Steamboats \$1 per day
 For ships and steamships, every 60 days, 5 cents per ton
 For flatboats 2 cents per foot
 For every raft 3 cents per log
 and \$3 for each and every flatboat broken up for making cordwood, planks, etc., within the limits of the city.

Pirogues. ART. 3298. (8) All pirogues or other craft of from 5 to 15 tons, trading with this city, shall be required to take out a license, as provided by law, viz.: \$20 for each of said vessels. A fine of \$50 and prohibition from engaging in such business unless licensed.

Flatboats. ART. 3299. (9) On all vessels employed in the towage of vessels to and from sea, a license of \$150. A penalty of \$250 for failure to take out such license, and prohibition from engaging in such business unless licensed.

Bricks, etc. ART. 3300. (10) On any flatboat, barge or other vessel, not including steamboats, employed in the transportation of bricks, lumber or other building materials, or in bringing produce from this and neighboring parishes to this city:

Not over 25 tons \$ 30 per annum
 From 25 to 50 tons \$ 60 per annum
 Over 50 and not over 75 tons \$ 80 per annum
 Over 75 and not over 100 tons \$120 per annum
 Over 100 tons \$200 per annum

On every scow and coastwise pirogue and other vessel measuring not over twenty-five tons, not trading directly with the city, \$2 per trip.

ART. 3301. All barges arriving at this port laden with bulk grain or through freight will be allowed fifteen days before incurring charges for lay days.

Grai barges.
Ord. No. 3112,
A.S.
May 12, 1875.

Amended May 27, 1881, to take effect from and after May 29, 1881.

Ocean steamships shall pay at the rate of fifteen cents per ton for the first two months or less. Ocean vessels arriving in ballast shall not be charged wharfage during the time they may be engaged in unloading, but which period shall not exceed five days from time of arrival; provided, said ballast be sold to the city or wharf lessees.

Ocean steam-
ships.

Vessels arriving in ballast and loading exclusively with grain, shall not pay more than five cents per ton for the first fifteen days, and one-third of one cent per day for each additional lay day.

Vessels in bal-
last.

Less (20) twenty per cent. off from above charges.

Upon all ships, vessels, steamships, barges, flatboats and steamboats, coal boats and other water crafts of any and every description whatsoever, for the term of ten years, commencing on the 29th day of May, 1891, and ending with the 28th day of May, 1901, upon the terms and conditions hereinafter set forth.

ART. 3302. (2) That the wharves and landings, the revenues of which are to be sold under this ordinance, shall comprise the wharves already constructed and existing in the First, Second, Third and Fourth Districts of the city of New Orleans, from Toledano street to Piety street, excepting therefrom all ferry and nuisance wharves, and all wharves or landings granted or leased to individuals and corporations which, by the terms of the grant or lease, are exempt from wharfage dues until such time as said grants or leases may expire, after which time said lessees shall take charge of same under this ordinance under similar conditions as other wharves. All (U. S.) United States Government vessels shall be exempt from payment of wharfage dues.

Boundaries of
wharves.

Exemptions.

ART. 3303. (3) That the landings in the First, Second, Third and Fourth Districts of the city of New Orleans shall, for the purposes of this ordinance, extend

Boundaries of
levees.

from the river as follows, viz.: In the Fourth District, from Toledano to Adele streets, to the river side of Water street, or say forty-eight feet from the property line; from Adele to Felicity streets, to the river side of Peters street, or say forty-eight feet from the property line. In the First District, from Felicity to lower line of Orange street wharf, to the river side of the paved roadway in front of the wharves, provided a roadway of thirty feet between the wharves and this limit be thereby secured, otherwise this limit to extend fully thirty feet from outer line of wharves—from the lower end of coal landings to lower side of Terpsichore street, to the outer line of the Texas & Pacific Railroad track—from St. Joseph to Julia streets, to the river side of New street—from Julia to Canal streets, to within twenty feet of railroad track. In the Second and Third Districts from Canal to Customhouse streets, to the river side of the paved roadway fronting the Louisville & Nashville Railroad passenger depot; from Customhouse to Conti streets, to the river side of the sugar sheds; from Conti to St. Louis streets, to within one hundred feet of the Louisville & Nashville Railroad track; from St. Louis to Barracks streets, to within three feet of railroad track; from Mandeville to Port streets, to within three feet of railroad track; from Montegut to Piety streets, to the river side of the roadway on North Peters street, all as per maps and tracing on same, marked Nos. 1, 2, 3, 4, 5, 6 and 7, in the office of the City Engineer, and made part hereof.

Acceptance of
present condi-
tion of wharves

ART. 3304. (4) That the person or persons to whom shall be adjudicated, as herein provided, the revenues collectible as provided, shall accept the wharves and landings in the condition in which the same may be on the said 29th day of May, 1891, and that the said person or persons so accepting and taking possession of the said wharves, landings and bulkheads, shall repair and always keep the same in good order and condition during the whole term of their contract, excepting therefrom all ferry and nuisance wharves and all wharves granted or leased to individuals or corporations, which,

by the terms of such lease or grant, are required to be kept in order or maintained by the lessee or grantee, until such time as said grant or lease may expire, after which time said lessee or lessees under this ordinance shall take charge of same, upon same condition as other wharves.

ART. 3305. (5) That the repairs of the wharves shall consist in repairing all holes in the flooring, in taking out and renewing all caps, stringers, piles, mooring and fender piles which may be rotten. Whenever general repairs, including caps and stringers, are made to any wharf, it shall be raised at the inner edge to eighteen and a half feet on the Canal street gauge, rising one per cent. to the outside, and with such greater or less grade above or below Canal street as the City Engineer may direct, to agree with the slopes of the river. Also, that the repairs of the bulkheads shall consist in taking out and renewing material which may be rotten and in raising all bulkheads to the grade of the wharves, as above given, and in building anew all wharves and bulkheads which from general decay may require the same, and to rebuild any and all wharves and bulkheads where the same now exists or which may be constructed during the term of this lease or contract that may be damaged or destroyed in part or in whole from any cause; and to have a depth of water not less than twenty-five (25) feet at the water line of each and every wharf used by ships and steamships when required for the purpose of commerce; and a depth of water of not less than twelve feet at the water line of each and every wharf used by steamboats, barges and flatboats, all rebuilding, to be governed by section 11.

Repairs.

ART. 3306. (6) That in making the repairs to and in building new wharves, the piles used shall be either of pine or cypress timber of the best quality, not less than eleven inches square at one end and nine inches square at the other end, or respectively sixteen and thirteen inches in diameter, if round with ten inches of heart at the butt in either case, which shall be driven not less than twenty feet into the solid ground at dis

Quality of material.

Stringers.

Planks.

Specifications
for wharves for
boats.

tances of not more than ten feet from centres; the heads of the piles shall be squared according to the levels to be given by the City Engineer, and shall receive and support eleven (11) inch square caps, which shall be strongly fastened to each of the piles with rag bolts seven-eighths of one inch square by eighteen inches long; these caps to be of the best quality of pine or cypress timber. The stringers shall be at least ten inches square; shall rest at right angles upon the caps at distances of five feet from centres; or they may be four by twelve feet, two and one-half feet from centres. They shall be strongly fastened at each alternate intersection with the caps, with rag bolts seven-eighths of an inch square by sixteen inches long. These stringers shall be of the best quality of cypress or pine timber. The planks for the flooring shall be of yellow pine of the best quality, free from sap, or one clear face, twelve inches wide by three inches thick, and not less than fifteen feet long. They shall be strongly fastened to each of the stringers with six-inch pressed spikes, two at each end and one at each intersection with the stringer; the points between the planks of said flooring not to be more than one inch.

ART. 3307. (7) That each and every wharf used by steamboats, barges and flatboats shall have incline plane or apron not less than thirty (30) feet in width projecting out of the knuckle row of piles of the wharf on the outside of said incline plane, and adjoining the last row of piles thereof; a row of fender piles shall be driven, which shall receive a cap of not less than eleven inches square, laid on a level with the cap of the inner row of piles and on the top of said outer cap shall rest a fender cap twelve inches square, which shall be fastened to the two other caps, at distances of five feet, with screw bolts of one (1) inch in diameter and of suitable lengths. On the outer edge of said incline plane, at distances of eighty (80) feet apart and independent from the wharf, clusters of piles shall be driven, each cluster to be composed of four piles, which shall be bolted together with eight screw bolts of one and a quarter inches in diameter

and of suitable lengths. That the parties to whom this contract shall be adjudicated bind themselves to repair and keep in good order and condition during the whole term of their contract such inclined planes or aprons as do now exist, and in case there shall be no incline planes or aprons at the time of accepting this lease or contract, the said parties so accepting shall cause such inclined planes or aprons to be built at their own expense and shall keep the same in repair, as aforesaid, during the entire term of such contract.

ART. 3308. (8) That at each and every wharf used for ships, a row of fender piles shall be driven adjoining the outer row of piles, which shall be fastened with the other row of piles of the wharf with at least two screw bolts of one and a quarter inches in diameter. That on the front of each of said ship wharves, two fender caps shall be placed, one on a level with the flooring of the wharf and the other at five feet above the low water mark; said fenders shall be twelve (12) inches square, and shall be fastened to the piles of the wharf with screw bolts of one and a quarter inches in diameter. And the said parties to whom this contract shall be adjudicated shall repair and keep in good order and condition, during the whole term of such contract, such fender piles and caps as above required, and shall cause such fender piles and fender caps to be driven and placed as above required, at their own expense, and shall keep the same in repair during the whole term of this contract.

Specifications
of wharves for
ships.

ART. 3309. (9) That at each and every wharf used by steamships a row of fender piles shall be driven adjoining the outer row of piles, which shall be fastened each with the outer row of piles of the wharf, with at least two screw bolts of one and a quarter inches in diameter, each and every alternate pile to be at least one foot above the flooring of the wharf. That in the front of each of said steamship wharves two fender caps shall be placed, on a level with the flooring of the wharf, and the other at five feet above low water mark, and fenders to be twelve inches square, and to be fastened to the

For steam-
boats.

piles of the wharf with screw bolts of one and a quarter inches in diameter. And the person or persons to whom said contract shall be adjudicated shall repair and keep in good order and condition, during the whole term of the contract, such fender piles and fender caps as do now exist, and in case there are no fender piles and caps as above required at the time of accepting said contract, the said party or parties to whom said contract shall be adjudicated shall cause such fender caps and fender piles to be driven as above required, at their own expense, and shall keep the same in repair, as above, during the whole time of such contract.

Distance of
mooring piles.
Construction.

ART. 3310. (10) That all the wharves, mooring piles at least twelve inches square shall be driven, as follows: On steamboat, barges and flatboat wharves, single piles along the knuckle row of the inclined planes, at distances of fifty feet from centres; on the steamship and ship wharves, and along the line along same, mooring piles wherever the City Engineer shall direct; each of the aforesaid mooring piles to be strongly fastened to the piles of the wharves with at least two screw bolts of one inch in diameter and those on the levee to be strongly anchored, and all to project at least four feet above the flooring of the wharves and the top of the levee; and the said person or persons to whom shall be adjudicated said contract shall repair and keep in good order and condition during the whole of said contract, such mooring piles as do now exist, and in case there shall be no mooring piles as above required at the time of accepting, said person or persons accepting said contract shall cause said mooring piles to be driven and placed at his own expense, and shall keep the same in repair as aforesaid, during the whole term of this lease or contract.

Additional
wharves.

ART. 3311. (11) That the said person or persons to whom said contract shall be adjudicated bind themselves by said contract to build all additional new wharves that may be necessary, provided they be not required to expend on such new wharves more than thirty-five thousand (\$35,000) dollars in any one year, the said new

wharves being calculated at the rate of twenty (\$20) dollars per square, and no more. All ferry and nuisance wharves, and all wharves excepted by sections 2 and 4 of this ordinance, not being included in this connection. The term "new wharves," as expressed in this section, shall be construed as meaning new wharves where there are no wharves now existing, and shall also apply to the rebuilding of entirely new wharves to replace old ones, and to all old wharves and bulkheads that may be so ordered raised to the grade of eighteen and a half feet, when so ordered by the Council.

ART. 3312. (12) That the person or persons to whom said contract shall be adjudicated hereby bind themselves by said contract to immediately put in order, to the satisfaction of the Commissioner of Public Works and City Engineer, the landings in the First, Second, Third and Fourth Districts, and further bind themselves to grade the same from their outer edge on a regular declivity, as they are described in section 3 hereof; and shall cover the same with a sufficient thickness of hard substances, such as rock, gravel, lake or oyster shell; and shall keep the same always in good order and condition, by filling up all the holes, on their first appearance, with hard substances as above mentioned, and to fill up with river sand all parts of the same which may cave in or sink below the grades aforesaid, or which may be washed or destroyed by storm or any other cause, and cover said new filling with hard substances as above mentioned.

ART. 3313. (13) That the said party or parties to whom said contract shall be adjudicated bind themselves by said contract to put in thorough order up to the grade specified in section 5 of this ordinance, wherever there are wharves, the bulkheads and revetment of the First, Second, Third and Fourth Districts, from Toledano to Piety streets, except such as are exempted therefrom in sections 2 and 4 of this ordinance, whenever and as soon as the Orleans Levee Board may raise the levee to that grade, and also to raise the landings wherever there are wharves, to the

satisfaction of the Commissioner of Public Works and of the City Engineer, and to keep the same always in the same good order and condition during the whole term of said contract; and to build all new revetments which may be required in place of the old ones, which may be destroyed either by decay, by storms, or any cause, with the best quality of one and one-half inch yellow pine plank, double thickness, driven at least four feet into the solid ground and well braced into the levee, the whole in the usual and best workmanlike manner. Wherever it is over eight feet high the plank shall be two inches, and wherever ten feet high, three inches thick. Wherever it is over six feet high and had to hold filling, it shall be three inches thick, with piles every ten feet; each kind of bulkheads shall have suitable stringers or walling pieces, as directed by the City Engineer.

Electric
lights.

ART. 3314. (14) That the party or parties to whom said contract shall be adjudicated further bind themselves to light with electricity all the wharves and landings used by commerce, from Toledano street, in the Fourth District, to Poland street, in the Third District, provided this shall not apply to wharves and landings devoted exclusively to individual or private corporate use—the lamps or lights to be placed at no greater distance than two hundred and fifty feet apart over the property covered by this lease, except between Piety and Poland streets, where they shall be placed as now existing; the height at which the same are to be erected shall be determined by the City Council; said lamps or lights shall be kept lighted each and every night, from sunset to sunrise, and the class, quality and power of said lights to be designated by the City Council.

Subdivisions
of wharf.

It shall furthermore be the duty of the party or parties to whom said contract shall be adjudicated to designate the several subdivisions of wharf front by numbers painted at least six inches long, painted in dark color on a white field upon a board of sufficient size to be easily seen by draymen. These numbers shall start from Canal street up to Toledano street, and from Canal street down to Piety street, and should be placed upon posts distant 250 feet from each other.

ART. 3315. (15) That all the extent of the port from Harmony to Market, except the portion between Eighth and Ninth streets, also at the head of Soraparu street and the space of about 250 feet immediately below the present wharves of the West India and Pacific Steamship Company, which are hereby set aside as landings for flatboats, staves, etc., be and the same is hereby appropriated and set apart as a landing for steamships and sailing vessels; provided, that the slip of jetty between Fourth and Fifth streets and the slope or incline between First and Second streets be maintained as they are now for the receiving and shipping of salt; that all the extent of the port from Market street to the New Orleans Gas Light Company's wharf at Race street, be and is hereby appropriated and set apart as a landing for steamships or sailing vessels; that all the extent of the port from the New Orleans Gas Light Company's wharf to Henderson street be and is hereby appropriated and set apart as a landing for coal boats; that all the extent of the port from Henderson street to the upper line of the New Orleans Pacific Railway wharf be and the same is hereby appropriated and set apart as a landing for steamships and sailing vessels; that all the extent of the port from the lower line of the said railway wharf to a point two hundred and fifty feet below the lower limit of the Louisville & Nashville Railroad Company's wharf be and the same is hereby set apart and appropriated as a landing for steamships and sailing vessels; that all the extent of the port from a point two hundred and fifty feet below the Louisville & Nashville Railroad Company's wharf to a point six hundred and fifty feet below be and the same is hereby appropriated and set apart as a landing for barges; that all the extent of the port from said point to St. Louis street be and is hereby appropriated and set apart as a landing for steamboats; that all the extent of the port from St. Louis street to the lower end of the Harrison Line wharf be and the same is hereby set apart and appropriated as a landing for steamships; that all the extent of the port from the lower end of the Harrison Line

Steamship and sailing vessels landings.

Coal boats.

Steamships and sailing vessels.

Barges.

Steamboats.

Steamships. wharf to the lower end of Picayune Tier be and the same is hereby appropriated and set apart as a landing for steamships and sailing vessels; that all the extent of the port from St. Philip to Ursulines street be and the same is hereby set apart and appropriated as a landing for luggers and other small crafts; that all the extent

Luggers, etc. of the port from Ursulines to Barracks street be and the same is hereby appropriated and set apart as a landing for steamships and sailing vessels; that all the extent of the port from a point seventy-five feet below Marigny to Port street be and the same is hereby set apart and

Steamships and sailing vessels. appropriated as a landing for steamships and sailing vessels; that all the extent of the port from the lower line of the New Orleans & Northeastern Railroad wharf to Piety street be and the same is hereby appropriated and set apart as a landing for steamships and sailing vessels.

Half rates. ART. 3316. (16) That all vessels seeking this port in distress and using the city wharves shall pay only half rates.

Supervision of work. ART. 3317. (17) That all work and repairs to be done under this ordinance shall be done under the supervision of the Commissioner of Public Works and City Engineer; and in case of refusal or neglect on the part of the contractors to perform the necessary work of repairs, it shall be the duty of the Commissioner of Public Works to have the same done at their expense.

Commencement of work. ART. 3318. (18) That all work and repairs required to be done under this ordinance shall be commenced by said contractors after five days' notice thereof has been given by the Commissioner of Public Works and City Engineer, and prosecuted as rapidly as possible.

Penalty for failure. ART. 3319. (19) That in case of failure on the part of said contractors to commence or finish the work or repairs within the time mentioned in the order of the Commissioner of Public Works and City Engineer, the City Council shall have the right, without putting in default, to order the said work and repairs to be done under the supervision of the Commissioner of Public Works and

City Engineer, at the expense of said contractors, and further to hold him or them, and his or their sureties, liable for all damage caused by said default.

ART. 3320. (20) That the city reserves the right to grant to railroad companies the privilege of constructing such improvements and betterments and making such to wharves that may be hereafter assigned to them respectively, as in the judgment of the Commissioner of Public Works and City Engineer may be necessary to render such wharves suitable and proper for the transaction of the business of said railroad companies; provided, that such improvements and repairs shall not cost the said contractors a greater amount than if said wharves were constructed according to the specifications heretofore provided for, and all such work shall be classed as new work.

Reservation
of right of city.

ART. 3321. (21) That the aforesaid wharves and landings shall continue subject to the regulations now governing and protecting the same under existing ordinances, and no change shall be made without the consent of both parties.

Regulations.

ART. 3322. (22) That the said person or persons to whom said contract shall be adjudicated and their sureties shall be responsible for all damages which may be claimed by the city, or by any party or parties who may sustain injury or damage in consequence of the neglect of the aforesaid contractors to comply with the requirements of this ordinance, but the said lessees shall be responsible to third persons only when the city herself would be responsible under like circumstances.

Damages.

ART. 3323. (23) That it is well understood that in case of failure on the part of said person or persons to whom said contract may be adjudicated to commence or finish the work, or any part thereof, within the time fixed, the City Council shall have the right to annul said contract or lease without putting the said contractors or lessees in default, as required by Article 1905 of the Civil Code, or any other law, and without applying to a court of justice to annul the same, and without indemnity; and it is also well understood that in case

Annulment of
contract.

the said lessee or contractors shall at any time abandon the work, or not finish or complete the same in conformity with their contract, the said contractors or lessees shall forfeit all claims they may have for any part of the work done by them up to the date of their abandonment, and that the city shall be thereby released and discharged from any and all liabilities therefor, and it is also well understood that in case the contract be sold, the lessee or contractor, and their sureties, shall be held and bound to pay unto the city all loss or difference between the price at which the lessees or contractors originally contracted to perform the work and the price at which it may be adjudicated at a resale or readjudication.

Release.

ART. 3324. (24) That it is also well understood that it is not in the power of the City Council, or any officer or department of the government of the city of New Orleans, to release said contractors or lessees from a strict compliance with this contract in all its conditions and in all respects.

Expenditures.

ART. 3325. (25) That the said lease shall be adjudicated to the person or persons agreeing to expend, under the orders of the Council, the greatest sum of money during the first two years of the lease, in furnishing additional facilities for commerce along the river front, and to pay annually to the city of New Orleans, in equal monthly instalments, the sum of forty thousand dollars (\$40,000), thirty thousand dollars (\$30,000) of which shall be devoted to the payment and maintenance of a harbor police for the protection of commerce, etc., along the river front of the city; and the remaining ten thousand dollars (\$10,000) to be devoted exclusively to the payment of the salaries of the wharfingers, contravention clerks, signal officers and other employees on the wharves and landings in connection with the Department of Public Works of said city, and in connection with the foregoing to keep the wharves lighted with electric lights as hereinbefore provided.

Annual payment in monthly instalments.
How applied.

Bond, \$100,000.

ART. 3326. (26) That the said person or persons to whom said contract shall be adjudicated, for and in

consideration of this contract, shall furnish their obligation or bond, with good solvent security, to be approved by the City Council, in the sum of one hundred thousand dollars (\$100,000), conditioned for the true and faithful performance on their part of all the duties and obligations on them by this ordinance.

ART. 3327. (27) That the said contractors, by the acceptance of said contract, obligate themselves not to sell, subrogate, transfer, assign, set over or sublet their rights, title and interest in the same to any person whatsoever, without the consent of the City Council be previously obtained; and any such sale, transfer, assignment, subrogation or lease, without the consent of the City Council, shall subject the said lessee to penalties prescribed by this ordinance for violation of its provisions, and will authorize the City Council, if deemed advisable, to declare the contract forfeited, and hold the said lessees and their sureties liable to damages for violation of their contract or lease.

ART. 2328. (28) That it shall be the duty of the said lessees to submit to the Commissioner of Public Works, on the first day of July of each year, a sworn statement, substantiated by books and vouchers, setting forth a full account of their receipts and disbursements during the fiscal year ending May 28 next preceeding, and such statement shall show separately the receipts for each class of vessels, and also from the wharves herein leased; and also show separately the cost of maintaining and repairing the wharves, levees, landings and bulkheads by districts.

ART. 3329. (29) That no bid shall be entertained unless the bidder, at the time of presenting his sealed proposal, shall accompany the same with a certified check for thirty-five thousand dollars (\$35,000) to the order of the city of New Orleans, which check shall be held until the lease is adjudicated. The check of the successful bidder shall be retained until he shall have signed notarial act and furnished bond, when it shall be returned to him. In case he shall refuse to sign the contract and furnish bond within a reasonable time, said check shall be forfeited to and belong to the city.

Extension of
special leases.

ART. 3330. (30) That all existing leases or contracts for the use of specially designated parts—of wharves to steamship lines or other transportation companies—be and are hereby extended during the continuance of this lease, unless otherwise ordained by the City Council.

Surrender of
contract.

ART. 3331. (31) That the said contractors shall and will, on the last day of the term of this contract, peaceably and quietly leave, surrender and yield up their entire plant used in the construction of and maintaining the wharves and landings of the city, with all appurtenances thereunto belonging, in good order and condition, and the said city does for itself agree and bind itself, ten days prior to the expiration of this lease, to appoint and name an appraiser, who, together with an appraiser to be appointed by said lessees, will immediately proceed to value the said plant, the two appraisers choosing a third in case of disagreement; and the said city does hereby agree and bind itself, upon the surrender of said plant, to pay for the same the price fixed, or cause said price to be paid by the succeeding lessees, as one of the obligations of their lease, and the party or parties to whom said contract shall be adjudicated bind themselves to pay to Joseph A. Aiken & Co. the appraised value of their plant, etc., within ten days after adjudication of this lease.

Repealing
clause.

ART. 3332. (32) That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Amending
section 15 of
ordinance 5256,
C. S.

Ord. No. 7011,
C. S.

Dec. 13, 1892.

ART. 3333. That the provisions relative to the providing of a slope or incline in the wharf between First and Second streets, as provided in lines nine and ten of section 15 of Ordinance No. 5256, C. S., adopted April 25, 1891, be and is hereby modified so as to have this wharf built as a steamship wharf with a slip placed at the head of First street ten feet wide and a slip 20 feet wide located about one hundred feet above First street.

ART. 3334. That the wharf lessees be and are hereby instructed to construct the wharf in conformity with this modification.

ART. 3335. That the Mayor be and he is hereby au-

thorized and directed to enter into notarial contract with C. K. Burdeau for the lease of the wharves, etc., in accordance with Ordinances Nos. 5247 and 5256, C. S., and as per his bid of date May 4, 1891.

Contract
signed,
Ord. No. 5303,
C. S.
May 12, 1891.

ART. 3336. That the city of New Orleans consents that the bid of Charles K. Burdeau for the lease of the public wharves, made under the provisions of Ordinance No. 5256, C. S., and accepted by the Council, be transferred to the Louisiana Construction and Improvement Company, a corporation created under the laws of this State, the said company to furnish the bond and surety required by the said ordinance, and that the Mayor be authorized to execute on behalf of the city the requisite contract of lease with the said Louisiana Construction and Improvement Company, instead of with the said Charles K. Burdeau, according to the terms of the said ordinance under which said bid was made and accepted, wherein the said Louisiana Construction and Improvement Company shall assume all the obligations imposed by the said ordinance upon the said Charles K. Burdeau, with all the benefits, advantages and rights accruing to the said Burdeau from the adjudication thereof.

Transfer to
Louisiana Con-
struction and
Improvement
Co.
Ord. No. 5317,
C. S.
May 19, 1891.

This ordinance to take effect from and after its adoption and promulgation.

Take effect.
1b.

FIFTH DISTRICT.

ART. 3337. (1) That the entire river front of the Fifth District of the city of New Orleans (Algiers), or so much thereof as may hereafter be determined, be dedicated exclusively to the use of shipping and commerce, under the control and management and in the manner to be directed by the City Council.

Dedication,
A. S. 6900.
March, 1881.

ART. 3338. (2) That the City Surveyor be and he is hereby requested to make a survey of said river front, under the advice and direction of the Department of Improvements, with a view of determining the river front, in depth and length, to be set apart for the purposes indicated, designating the particular places where wharves or landings shall be constructed.

Survey of
river front.
1b.

Construction
of wharves, etc.

ART. 3339. (3) That upon the receipt of the report and survey, from the City Surveyor, that the Administrator of Improvements report to the Council what wharves and landings it will be necessary to construct, together with the probable cost thereof, etc.

SIXTH AND SEVENTH DISTRICTS.

ART. 3340. (1) That the following rates for wharfage, landing and levee dues for water craft landing or mooring at the wharves, landings or levees of the Sixth and Seventh Municipal Districts of the city of New Orleans are hereby established, to-wit:

Character of
crafts.

Ord. No. 7928,
A. S.

July 12, 1882.

That when any decked vessel, ship, steamship, steamboat or model barge or other water craft shall land or moor within the limits of said Sixth and Seventh Districts, where there are neither wharves nor piers, but merely the levee with suitable conveniences for making fast, the charge shall be one dollar per day for steamboats and model barges, and one dollar for each landing made by steamship or steamboat within those limits, five cents per ton for every thirty days or part thereof, for ships or steamships; two cents per foot for each and every flatboat or barge, for each thirty days or a portion thereof; and three cents per log, of ten lineal feet each, of each and every raft, for each thirty days or part thereof; and three dollars for each and every flatboat or coal boat or coal barge broken up for making cord wood, plank, etc., and ten cents per cord for each cord of wood or drift wood made or piled on the landings; all to be payable in advance.

Rates.

Rates per trip.

On every flatboat, barge, pirogue, scow, or other vessel measuring not over twenty-five tons, two dollars per trip, payable on arrival. For each and every coal boat or coal barge engaged in carrying coal, and landing, or mooring, at any of the landings or moorings in said districts, three (\$3) dollars per month for each and every month, or part of a month, when the boat is moved before its expiration, payable in advance. This charge is exclusive of wharfage dues to be charged when such flatboat or barge removes to another district.

Rates per
month.

ART. 3341. (2) That nothing in this ordinance shall be construed as impairing or intending to impair any of the rights of the present lessee of the wharves and landings of said Sixth and Seventh Districts, and that all city laws or ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed, and that this ordinance take effect from and after its promulgation.

Rights of les-
sees not im-
paired.

ART. 3342. (1) That the bid of George S. Pettit for the lease of the landings of the Sixth and Seventh Districts, made in accordance with Ordinance No. 7384, Administration Series, for the sum of eight hundred and four dollars per annum, be and the same is hereby accepted, and the Mayor is hereby authorized and empowered to enter into notarial contract before the City Notary with the said George S. Pettit, reserving in said act to the city of New Orleans the right of extending its wharves without prejudice to itself or the city wharf lessees.

Lease to Geo.
S. Pettit.
A. S. 7482.
Dec., 1881.

ART. 3343. (1) That James Sweeney be and is hereby recognized as the transferee of the lease of the landings of the Sixth and Seventh Municipal Districts of the city of New Orleans, in the place and stead of George S. Pettit, lessee, and as such transferee that he is entitled to collect and receive the dues, fees and revenues for said landings for the term of said lease.

Jas. Sweeney,
transferee,
Jan. 31, 1882.

That this ordinance take effect from and after its passage.

PRIVILEGES.

Ord. 5314. Allan Line, Gulf Port Line, Johnston Line, and Italian Line, from the upper line of Seventh street 800 feet down; for fifteen years. May 14, 1891.

Ord. 8990. Algiers Brass Band, to remove house foot of Seguin street to foot of Levergne street on levee front, fifth district, amending Ordinance 4454. April 14, 1891.

Ord. 3833. Bush, Elijah, to drive four piles or posts in Mississippi river at dump wharf, fifth municipal district. July 1, 1889.

Ord. 5259. Brown, L. W., to erect, establish and operate a landing to connect boats or barges with the tracks on the wharf and property of the foundry and machine shops, to be erected between Broadway and Lowerline street. April 28, 1891.

Also to establish, operate and maintain a shipways and ship yard, also a floating dry dock and yard on the river bank, between the prolongation of the lower line of Broadway street and the prolongation of the upper line of Lowerline street.

Also to erect, operate and maintain on the Mississippi river, between the prolongation of the lower line of Broadway street and the upper line of Lowerline street, such wharf landings, pontoons, keel docks, tugs, barges and other appurtenances necessary for the proper transaction of the business of the ship yards and foundry, provided they do not interfere with any existing marine or navigation rules and regulations.

Said privileges granted for a period of fifty years from the passage of the ordinance, the construction of said warves, etc., to start within six months, or privilege to revert back to the city.

Ord. 6544. Bowman, Mrs. E. S., rights and privileges to lot No. 12 West End, inside revetment levee, forfeited. Unexpired lease granted Pastime Club. Ordinance 7186, A. S. July 28, 1892.

Repealed by Ordinance 10,638. C. S.

Ord. 6798. Bruning, John, unexpired lease of lot 18 West End, inside revetment levee, under Ordinance 7759, A. S. October 6, 1892.

Ord. 9899. Brooks, W. H. Co., to remove office to the edge of the wharf at the head of Gravier street. November 2 1894.

Ord. 10,699. Bruning, Theo., transferring all rights of the Pastime Pleasure Club and lots 12 and 13 West End to him. May 13, 1895.

Ord. 10,722. Bruning, Theo., to erect stands for horses on lots Nos. 12 and 13 West End. May 17, 1895.

Ord. 3237. Cromwell Steamship Line, to raise floor of shed and extend same to within about three feet of the Louisville & Nashville Railroad. October 4, 1888.

Ord. 4238. Corette, Mrs. M., five miles below Algiers, between John Flanders and Stanton plantations, to place dam or rice flume. February 3, 1890.

Ord. 5315. Coyle, W. G. & Co., transferred to privileges under Ordinance 7427, A. S., until expiration of lease pending before Council. May 14, 1891.

Ord. 5509. Cromwell Steamship Line, to erect open shed 250 x100 feet on their wharf. August 6, 1891. Repealed by Ordinance 6650, C. S.

Ord. 5952. Cromwell Steamship Line, privileges granted under Ordinance 8048, A. S., renewed for fifteen years. January 15, 1892.

Ord. 6199. E. J. and W. J. Comeaux and Thos. K. Voorhies to erect a two-story building on the levee at the head of Bienville street. The first story of structure for use of the second district wharfing of the city. April 2, 1892.

- Ord. 6676. Amending Ordinance 6199, C. S., to pave front of said building on Bienville street. September 9, 1892.
- Ord. 7023. Condron, John T., sixty feet of space at the foot of Julia street for storage of oyster shells. December 21, 1892.
- Ord. 7354. Cromwell New York and New Orleans Steamship Line, to erect an open shed constructed of iron, on either end of the present freight warehouse, to the prolongation of the lower line of St. Louis street and the upper line of Toulouse street, and extending on the river side of the present freight shed to a point so that the row of posts supporting the sheds will not be less than thirty feet from the existing bulkhead. March 30, 1894.
- Ord. 7560. Coyle, W. G. & Co., to erect and operate at their coal landing, between Race and Henderson streets, an elevated conveyer. May 11, 1894.
- Ord. 7942. Coyle, W. G., transferring wharf privileges granted Thomas Sweeney under Ordinances 5315 and 7427. August 18, 1894.
- Ord. 8135, A. S. Cie, Gle. Transatlantic Steamship Co., Adolph Schrieber, agent, repealing Ordinance Nos. 7334, 7375 and 8105, A. S., and granting all that portion from upper line of Spain street and extending down stream 325 feet, to a point immediately below Enghien street, for ten years. November 9, 1882.
- Ord. 8714. Cahn, Henry, F., to erect building on batture between Burdette and Washington streets. February 9, 1894.
- Ord. 10,143. Crusel, J. E., that portion of the river front bounded by the prolongation of the river front and the railroad tracks and Robin street and 100 feet below, as landing for builders' supplies; said Crusel to maintain plank roadway on Water street in front of said grant in good order and condition for a period of five years. January 2, 1895.
- Ord. 10,181. Canaher, Frank, to remove office from the roadway on the river front at the head of Lafayette street. January 9, 1895.
- Ord. 10,310. Crusel, J. E., to operate overhead tramway at the head of Robin street, for the purpose of unloading barges. February 12, 1895.
- Ord. 4123. Desforges & Jung, to use outside of levee between Robin and Henderson as a coal landing, and in consideration to keep certain streets and approaches in repair. May 25, 1891. Amended by Ordinances 5532, 8244, 8289, C. S.
- Ord. 7560. Desforges & Jung, to erect and operate an elevated conveyer at their coal landing between Race and Henderson streets, in conjunction with dredgeboat on the river. May 11, 1893.
- Ord. 8244. Desforges & Jung, transferring all their right and privileges under Ordinance 4123, C. S., to Messrs. Whann & Jutte. November 2, 1893.

- Ord. 5128. Eclipse Rowing Club, amending Ordinance 4975, and allowing removal of boat house beyond levee line. February 28, 1891.
- Ord. 6675. Elder, Dempster & Co., to erect small frame building 15x15 feet on their wharf on river front between Jackson and Soraparu streets, to be used as a telephone office. September 9, 1892.
- Ord. 9211. Elder, Dempster & Co., that portion of the river front from Jackson to Front streets, they to keep approaches in good order and condition. March 22, 1894.
- Ord. 4273. Fink & Lamton, to erect mooring port on river bank opposite foot of Levergne street. February 8, 1890.
- Ord. 4447. French Commercial Line, from the upper end of the West India and Pacific Steamship Company, extending up stream 500 feet. They shall at all times keep the approaches to said wharf in good order and condition. All ordinances or parts of ordinances granting wharf room elsewhere are hereby repealed. April 24, 1890. Transferred by Ordinance 9152 to the French Line, Chargeurs Reunis.
- Ord. 6851. Frye Triumph Press Brick Manufacturing Company, to erect small frame building on the batture in front of their brickyard. October 29, 1892.
- Ord. 7998, A. S. Forstall, Ross & Clayton, agents, from lower line of St. Andrew street down stream 450 feet, for ten years. August 15, 1882.
- Ord. 7998, A. S. French Commercial Line of steamers. Same as above.
- Ord. 9152. French Line, Chargeurs Reunis, transferring to them the privilege granted the French Commercial Line of steamers. 500 feet front between West India and Pacific Steamship Company and the Ross, Thompson Beaver Line. May 2, 1894.
- Ord. 5162. Glynn & Larringa, all that portion of the river front known as Orange street wharf, from New Orleans Waterworks Company pipes below Richard street to the New Orleans Gas Company landing, say 500 feet. Privilege for fifteen years. March 6, 1891.
- Also to erect an open shed upon such portion as the City Engineer may approve.
- Ord. 5313. Grey Line, North American Transport Line, Liverpool and Porto Rico, Prince Line and Melbourne Line, from the lower side of the line of Fourth street, 350 feet. Privilege for fifteen years. May 14, 1891.
- Ord. 5314. Gulf Port, Allan, Johnston and Italian Lines, from the upper line of Seventh street 800 feet down, for fifteen years. May 14, 1891.
- Ord. 6079. Gulf Port Steamship Line and Anchor Line, from the upper line of Seventh street 400 feet up to the steamers of the Gulf Ports Steamship Line and Anchor Line. February 23, 1892.

Also to erect fire-proof roof not exceeding seventy feet in width and supported by posts, provided such sheds shall be so constructed as to allow any necessary repairs to be made to the wharf. That no part of the space covered by this roof shall be covered except 20x20 feet for office and telephone room.

Also to erect raised cisterns or tanks not exceeding 20,000 gallons, and to lay pipes and to insert plugs and appliances in same, for proper attaching of hose at such points as they may find convenient; those pipes laying below the wharves to connect with the cisterns or tanks for extinguishment of fires on the wharf and on board of vessels; provided the foundation piles upon which said tanks rest shall be separated and apart from those of the wharf, and so constructed that the weight of same shall not bear upon any portion of the wharf.

Ord. 4522. Harrison Steamship Line, that portion of the river front extending from St. Ann street ferry down stream, and the levee end of the "Pica-yune Tier," to erect open shed over said wharf. May 16, 1890.

Ord. 4523. Harrison Steamship Line, to erect open shed on wharf now occupied as a landing for ships of that line, between the "Cromwell" landing and the Morgan's ferry. Privilege granted for fifteen years. May 16, 1890.

Ord. 4538. Hall Steamship Line, that portion of the wharf commencing from the upper end of wharf allotted to the Lampart & Holt Steamship Lines extending 315 feet. May 16, 1890.

Also to erect an open shed on said wharf. Privileges granted for fifteen years.

Ord. 4609. Harrison Steamship Line, that portion of river front commencing at Toulouse street, extending down stream to Morgan's Ferry Landing at Jackson Square, about 580 feet. July 7, 1890.

Ord. 4976. Hope Rowing Club, to erect boat house on levee between posts 27 and 28, and also a two-story building on same site, as per Ordinances 2742, 335, A. S. Repealed. December 24, 1890.

Ord. 987. Harrison Line, repealing Ordinance No. 6764, A. S., and 300 feet wharf room granted. May 29, 1883.

Ord. 6030. Harrison Steamship Line, transferring privilege of wharf near Picayune Tier to wharf between Richard street ferry and Bobet stave landing. February 11, 1892.

Ord. 6798. Harrison, Dan. C., forfeiting rights and privileges to lot No. 18 West End, under Ordinance 7759, A. S. October 6 1892.

Ord. 6832, A. S. Harrison Line, at Post No. II, and 280 feet adjoining and below the N. Y., Havana and Mexican Mail Line. January, 1881.

Ord. 7797, A. S. Harrison Line, authority to plank portion of levee granted under Ordinance No. 6832, A. S.; also to build shed. August 8, 1882.

- Ord. 8660. Heintz & Thomas. Privileges granted Elijah Bist under Ordinance No. 2310, C. S.
- Ord. 5314. Italian, Gulf Port, Allan and Johnston Lines, from the upper line of Seventh street 800 feet down, for fifteen years. May 14, 1891.
- Ord. 5177. Illinois Central Railroad Company, all that portion of wharves and landings extending down the river from the lower limit of the regular wharf of the New Orleans Pacific Railroad to the lower limit of Calliope street. March 12, 1892.
- Ord. 10,942. Jesse, Emile, to erect on batture between Fern and Short streets a building to be used as a fishing club. July 2, 1895.
- Ord. 4525. Lampart & Holt Lines of Steamers, that portion of the river front commencing at the lower side of Terpsichore street and extending up stream 450 feet. May 16, 1890.
Also to erect open sheds on said wharf. Privilege granted for fifteen years.
- Ord. 4632. Lampart & Holt Lines of Steamers, to erect telephone booth on wharf allotted to said line, 10x12 feet. July 31, 1890.
- Ord. 4744. Lamia, Peter, renewing certain privileges granted under Ordinance No. 7930, A. S., of date July 12, 1882, for term of ten years. September 30, 1890.
- Ord. 4744. Lamia, Peter, removing privileges under Ordinance 7930, A. S. October 3, 1890.
- Ord. 4868. Louisiana Ice Manufacturing Company, to build and maintain wharf on Mississippi river fronting their factory No. 1 near Louisiana avenue. November 22, 1890.
- Ord. 5177. Louisville & Nashville Railroad Company, all that portion of wharves and landings extending down the river from the lower limit of the regular wharf of the New Orleans, Mobile & Texas Railroad to a point 250 feet below the said lower limit. March 12, 1891.
- Ord. 5178. Louisville & Nashville Railroad Company, to erect 7x9 watch tower at intersection of N. Peters and Elysian Fields streets. March 10, 1891.
- Ord. 5313. Liverpool and Porto Rico, North American Transport, Grey, Prince and Melbourne Lines, from the lower end of the line of Fourth street 350 feet down, granted for fifteen years. May 14 1891.
- Ord. 5832. Louisiana Electric Light and Power Company, use of batture fronting their works for storage of coal for fifteen years. December 9, 1891.
- Ord. 8088, A. S. Leyland, A. S., line of British steamers, commencing at lower line of wharf of French Commercial Line 400 feet down stream, for ten years. October, 11, 1882.
- Ord. 10,060. Louisiana Construction Company, to remove from present location on lower head of Poydras street to opposite side of street. December 7, 1894.

- Ord. 5313. Melbourne, North American Transport, Grey, Liverpool and Porto Rico and Prince Lines, from the lower side of the line of Fourth street 350 feet down. Privilege granted for fifteen years. May 14, 1891.
- Ord. 5831. Municipal Ice Company, use of batture fronting their works for storage and stables. December 9, 1891. Amended by Ordinance 6078.
- Ord. 6383. Mississippi Pleasure Club, to erect club house outside river bank foot of Tontine street. May 26, 1892.
- Ord. 8679. Manson Bros. An additional slip to be made in the wharves at a point 260 feet below the present slip made by them, in front of their warehouse between Fourth and Washington streets.
- Ord. 4926. New Orleans, Fort Jackson & Grand Isle Railroad Company, setting aside that portion of landing, in rear of Canal street ferry, commencing at a point ten feet from the roadway leading to said ferry, and extending down stream to a line with the lower line of the harbor patrol station, say sixty-six feet six inches, thence back to roadway in rear of the Louisville & Nashville Railroad depot, and thence thirty feet to a line with the Canal street commencement, for receiving and discharging freight from or intended for said railroad. December 10, 1890. Repealed by Ordinance 6707, C. S.
- Ord. 5313. North American Transport, Grey, Liverpool and Porto Rico, Prince and Melbourne Lines, from the lower side of the line of Fourth street 350 feet down, for fifteen years. May 14, 1891.
- Ord. 5315. Nunn, Fred. B., privileges under Ordinance 7427, A. S., wharf room transferred to, until expiration of wharf lease, pending before the Council. May 14, 1891.
- Ord. 6804. New Orleans, Fort Jackson & Grand Isle Railroad Company, setting aside portion of levee adjoining plank walk on south side of Customhouse street, seven feet from river side of square block pavement, along river side of the Louisville & Nashville Railroad depot, extending about seventy feet parallel with said depot, thence at right angles to the intersection of the plank walk on the south side of Customhouse street. October 11, 1892.
Also to erect building not larger than 8x10 feet as an office for clerk.
- Ord. 7560. Nunn, F. B., to erect and operate at coal landing, between Race and Henderson streets, an elevated conveyor. May 11, 1893.
- Ord. 7578. New Orleans Swamp Land Reclamation Company, to erect set of marine ways on Bayou St. John to St. Ann street. May 19, 1893.
- Ord. 5599. O'Rielly, P. J., to erect six steam freight elevators on wharf between Canal and St. Louis streets. September 16, 1891.

- Ord. 10,816 O'Rielly, P. J., upon the incline or apron of the steamboat wharf between Canal and St. Louis streets, two steam freight elevators. June 7, 1893.
- Ord. 5313. Prince, N. American Transport Line, Grey Line, Liverpool and Porto Rico and Melbourne Lines, from the lower side of the line of Fourth street 350 feet down, for fifteen years. May 14, 1891.
- Ord. 6112. People's Slaughterhouse and Refrigerating Company, to construct and maintain wharf in front of their property; also to erect bridge across N. Peters street from levee to their premises. March 19, 1892.
- Ord. 6544. Pastime Pleasure Club, the unexpired lease of lot No. 12 West End, expiring May 2, 1907, under Ordinance 7787, A. S., and forfeited by Mrs. E. S. Bowman for \$200. July 28, 1892.
- Ord. 8289. Pennsylvania Coal Company, L. T. Widney, Agent, transferee of all the rights and privileges of B. D. Wood & Sons, under Ordinance 4123, C. S. July 28, 1892.
- Ord. 4447. Ross Line, Thompson Line, Beaver Line of steamships, from the upper end of the French Commercial line of steamers, extending up stream 450 feet. The above mentioned lines shall at all times keep the approaches in good order. All other ordinances or parts of ordinances granting wharf room elsewhere on the river are hereby repealed. April 24, 1890.
- Ord. 4524. Ross, Thompson and Beaver Line of Steamships, to erect an open shed on wharves allotted under Ordinance 4487. May 16, 1890.
- Ord. 7883. Rice Mills of the city, to dump rice hulls in river from wharf on levee, between Mandeville and Marigny streets. August 3, 1893.
- Ord. 3748. Sullivan, T. J., batture front of lot forming corner of Washington and Napoleon avenues, for saw-mill and cooperage. May 2, 1889.
- Ord. 4498. Serra and Hamburg Steamship Lines, wharf room from south side of Mandeville street and extending down stream to sheds of the New Orleans & Northeastern Railroad Company, near Port street, for fifteen years. Also to erect open shed over such portion of wharf as the City Engineer may approve. May 10, 1890.
- Ord. 8088, A. S. Serra Line of Steamships, commencing at lower line of French Commercial Line as per Ordinance No. 7998, A. S., 400 feet down stream, for ten years. October 11, 1882.
- Ord. 5272. Southern Wood Manufacturing and Creosoting Company, to erect wharf head of Lyons street. May 1, 1891.
- Ord. 5315. Sweeney, James, transferee of privilege under Ord. 7427, A. S., until expiration of lease pending before the Council. May 14, 1891. Privilege above granted and transferred by Ord. 7942, C. S., to W. G. Coyle & Co. August 18, 1893.

- Ord. 2820. Theodore, William, frame building, 8x10 feet, on levee, between Julia and Girod streets. March 3, 1889.
- Ord. 6082. Terry, T. M., the use of vacant space on river front, between Hospital and Barracks streets. February 26, 1892.
- Ord. 6911. Tranchina, John, fifty (50) feet of space at the head of Conti street for storage of oyster shells. November 9, 1892.
- Ord. 8188. Thistle and Y. and S. Steamship Company, allotting four hundred feet of wharf room, down stream, under Ord. 7717, A. S. Repealed. October 24, 1893.
- Ord. 5179. Volney, Brown & Co., representing Red river line of steamboats, to erect twelve-feet octagonal building on levee, foot of Gravier street, below the river front and the railroad tracks. March 12, 1891.
- Ord. 4123. Wood, B. D. & Sons, amended by Ordinances 5532, 8244, 8289, C. S., to use outside of levee, between Robin and Henderson streets, as a coal landing, and in consideration thereof to do certain work and keep certain streets and approaches in order. November 25, 1889.
- Ord. 4447. West India and Pacific Steamship Company, Limited, from lower end of the wharf, in the First Municipal District, immediately above Bobet's stave landing, and between St. James and Celeste streets, and extending up stream 800 feet. That they are permitted to erect on said wharf a fire-proof roof, not exceeding fifty feet in width, supported on posts, so constructed as not to interfere with the necessary repairs to be made to the wharf. Also that no part of the space covered by this roof shall be enclosed, except 20 x 40 feet to be used as office and telephone room. Said company to keep approaches in good order. All ordinances or parts of ordinances granting wharf room elsewhere are repealed. April 24, 1890.
- Ord. 4766. West India and Pacific Steamship Company, Limited, width of shed in above ordinance extended from fifty to sixty feet. October 10, 1890.
- Ord. 5315. Wood, Schneidau & Co., privileges under Ordinance 7427, A. S., transferred until expiration of lease pending before Council. May 14, 1891.
- Ord. 6254. Wood, Charlie, Transportation Company, to remove present office on river front and erect building for office purposes in immediate vicinity. April 14, 1892.
- Ord. 6254. Wood, Schneidau & Co., same as above. April 14, 1892.
- Ord. 7560. Wood, Schneidau & Co., to erect and operate at their coal landing, between Race and Henderson streets, an elevated conveyor in conjunction with dredgeboat on the river. May 11, 1892.

- Ord. 7560. Wood, B. D. & Sons, same as above. May 11, 1892.
 Ord. 8088. A. S. Watjeris Line of German Barks, 400 feet down stream from lower line of wharf of French Commercial Line, for ten years. October 11, 1882.
 Ord. 8244. Whann & Jutte, transferring to them all rights and privileges under Ordinance No. 4123, C. S., November 2, 1893.
 Ord. 8289. Wood, B. D. & Sons, transferring all their rights, title, etc., under Ordinance 4123, C. S., to the Pennsylvania Coal Company, L. S. Widney, agent. November 16, 1893.
 Ord. 8289. Widney, L. S. Same as above. November 16, 1893.
 Ord. 8968. Williams, Arthur, to erect small stand on wharf foot of Port street, adjoining N. O. & N. E. fruit shed, for sale of soda water and refreshments. April 5, 1894.
 Ord. 11,505. Lambon & Noel Lumber and Manufacturing Company, to build and maintain a wharf beginning at the head of Kentucky street to Manuel street free of wharf dues, according to specifications of City Engineer. October 29, 1895.

ACTS OF THE LEGISLATURE.

Act 145 of 1874 exempts any steamboat or water craft wholly built in the State of Louisiana of more than 100 tons measurement from wharfage dues for seven years from completion or registry of said vessel.

DECISIONS.

Where a corporation is authorized to impose a wharfage charge a court will not limit the amount the municipal authorities may exact for that purpose. The question is purely administrative. *Municipality No. 1 vs. Pease*, 2 An. 538.

The city may assign a part of the port to particular craft and prescribe the time they are to remain, and if they exceed such time cut them adrift or otherwise abate them. *Tourne vs. Lee*, 8 N. S. 549.

The erection of wharves before the city and its suburbs, at such places as commerce may require, is a legitimate exercise of power by any of the municipalities. *Shepard vs. Municipality No. 3*, 6 R. 349.

The genenral Council can establish a uniform rate of wharfage for vessels moored before any part of the city. *Municipality No. 1 vs. Pease*, 2 An. 538; 27 An. 14.

The authority to impose such a charge to defray the expenses of wharves and other works necessary for the loading and unloading of vessels and to secure a convenient access to them is not inconsistent with any law, State or Federal, or Const. U. S., Art. 1, Secs. 8, 10. *Ib.*

The wharfage if a tax on commerce, or imports or exports, is

unconstitutional, however small the amount. But if the question of its constitutionality depend on the unreasonableness of the amount, the action of the judiciary can not be invoked, as it would be brought in conflict with municipal administrative power on an administrative question, over which, to a certain extent, the city government exercises discretionary power. *Ib.*

The contribution paid by vessels, rafts, etc., in the shape of wharfage dues for the accommodation of loading and discharging their cargoes, is not a tax, and can not be subjected to the principle of uniformity and equality. 14 An. 243.

One occupying a portion of the wharves with the special permission of the City Council, and during its pleasure, may be ejected whenever the permission is revoked. 26 An. 357.

The city of New Orleans has a right to charge wharfage on boats arriving in port; this is neither impost nor duty. 27 An. 17; 30 An. 190.

For the use of wharves, piers and similar structures, whether owned by the city or other corporations, a reasonable compensation may be charged to the vessel, to be regulated in the interest of the public by the State Legislature or City Council.

But in the exercise of this right care must be taken that it is not made to cover a violation of the Federal Constitution, which prohibits the States to lay any duty on tonnage. 20 Wall. 577.

New Orleans is responsible for the damages occasioned by the unsound condition of her wharves. 20 An. 124; 5 An. 100, 504; 4 An. 440.

The city has the right to collect wharf dues, and the Legislature having once delegated this power can not afterward grant exemption therefrom on certain vessels. 30 An. 190.

The use of the property as a landing and wharf for the reception of coal boats and coal is a public use, the public character of which is not destroyed by the fact that it is temporarily farmed out to particular parties. 39 An. 275.

A charge for wharfage dues for artificial facilities furnished by a city or town in order to promote the convenience of loading and unloading ships and other vessels is not amenable to the prohibitions contained in sections 8 and 60 of Art. I of the Constitution of the United States. But such a charge will not be maintained and enforced unless it appears from the evidence that it rests on services rendered by the corporation to vessels or boats by means of wharves or wharfage facilities provided and maintained at the expense of the corporation, and by means of which the loading and unloading of boats or vessels is materially and specially facilitated. Works by which the general commerce of a city, including the shipping, is benefited, will not justify a charge for wharfage against the owners of ships or other vessels. 37 An. 562.

The city of New Orleans has no authority to impose wharfage

and levee dues on vessels moored at a point within her corporate limits, at which she has constructed no work and expended no money for the use or convenience of vessels. 31 An. 65.

The banks of the river are public, and within her corporate limits the city of New Orleans has the right to control, manage and administer their use for the public convenience and utility. Riparian proprietors have no right, by injunction, to restrain the exercise of this right.

The discretion of the city, in determining what are proper and needed facilities for commerce, and on what part of the river banks, within her limits, they should be established, is not a proper question for judicial control or interference. 34 An. 856; 42 An. 614.

The proprietor of the soil adjacent to the river has no right to appropriate to his exclusive use the banks of a navigable water course, because he has no property in the *use* thereof.

The owner of coal boats and barges moored to the river bank within city limits has no authority, derivable from the proprietor of riparian property through instrumentality of a lease, to build houses in which to store apparatus and tackle and shelter his men, by resting their foundations on piles driven in batture outside the levees. 42 An. 614.

The duty is imposed on the Commissioner of Streets to see that produce and goods landed on the wharves are laid as near as possible to the paved part of the levee; also to have removed obstructions and encumbrances.

The performance of that duty need not, necessarily, be preceded by his order to remove all goods and wares to warehouses, at the owner's expense, forty-eight hours after they are discharged on the wharves. 47 An. 1289.

WEIGHTS AND MEASURES.

See Act 297 of 1855, p. 360, providing for the inspection of weights and measures.

Act No. 43 of 1864, p. 80, same.

Act 81 of 1877, E. S., p. 121, creates office of inspector for Sixth and Seventh Districts.

Act No. 8 of 1870, E. S., p. 50, provides penalty for selling by short weight and measure.



INDEX TO CHARTER OF 1882.

—AND—

ACTS AMENDING SAME.

Amendments—

Section 8 by Act 114 of 1886, p. 39.

Section 25 by Act 87 of 1884, p. 41.

Section 32 by Act 113 of 1886, p. 42.

Section 37 by Act 119 of 1886, p. 44, and by Act 142 of 1894, p. 45.

Sections 45, 46 and 47 by Act 77 of 1884, p. 47.

Section 47 by Act 90 of 1884, p. 50.

Section 47 by Act 174 of 1894, p. 52.

Sections 45 and 47 by Act 154 of 1894, p. 55.

Section 51 by Act 36 of 1892, p. 54.

Section 63 by Act 102 of 1884, p. 57.

Section 66 by Act 88 of 1884, p. 59, and by Act 109 of 1886, p. 59.

Public improvement, by Act 81 of 1882, p. 60.

Taxes, when delinquent, by Act 109 of 1882, p. 66.

Powers of Council, by Act 135 of 1888, p. 61.

Office hours, by Act 113 of 1892, p. 64.

Collection of taxes and licenses, by Act 127 of 1894, p. 65.

Amusements, p. 13, section 8.

Apportionment, p. 3, section 2.

Appropriations—

Limit of, p. 36, section 66.

Amended by Act 109 of 1886, p. 59.

Attorney—

Duties of, p. 24, section 27.

Salary of, p. 24, section 27.

Assistants, p. 24, section 27.

Banquettes—See Sidewalks, p. 13, section 8.

Batture, p. 31, section 8.

Boundaries, p. 1, section 1.

Budget, p. 35, section 65.

Amended by Act 88 of 1884, p. 59.

Amended by Act 109 of 1886, p. 59.

For 1883, p. 38, section 77.

Buildings, p. 13, section 8.

City Property, p. 25, section 28.

City Attorney (see "Attorney"), p. 24, section 27.

City Surveyor (see "Surveyor"), p. 23, section 26.

City Notary (see "Notary"), p. 32, section 53.

City Council—

Organization, p. 10, section 3,

Election of members, p. 15, section 13.

Authority to punish, p. 11, section 6.

Expulsion of members, p. 10, section 5.

Qualification of members, p. 2, section 2.

First meeting, p. 10, section 4.

Powers and duties of, p. 11, section 7.

Further defined by Act 135 of 1888, p. 61.

Ordinances passed by, p. 14, section 9.

To sit with open doors, p. 14, section 11.

Mayor to preside over new Council, p. 14, section 10.

Ineligibility of members, p. 16, section 18.

Right to seats, p. 25, section 29.

Power to remove, p. 25, section 30.

Members to hold over, p. 25, section 31.

Right to pave streets, page 28, section 37.

Meetings, p. 32, section 52.

Vacancies, p. 33, section 56.

President of, p. 37, section 71.

City of New Orleans, p. 1, section 1.

Seal of, p. 1, section 1.

Property of, p. 25, section 28.

Dispensed from furnishing bond, p. 37, section 72.

Combustibles, p. 13, section 8.

Comptroller—

Duties of, p. 18, section 21.

Bond of, p. 20, section 21.

Salary, p. 20, section 21.

Right to sit in Council, p. 25, section 29.

To hold over, p. 25, section 31.

Vacancy, p. 33, section 55.

Signature, p. 21, section 23.

Commissioner of Police and Public Buildings (see "Police and Public Buildings"), p. 22, section 25.

Commissioner of Public Works (see "Public Works, Commissioner"), p. 21, section 24.

Departments of Government—

Organization of, p. 28, section 38.

Clerks and Deputies of, p. 28, section 39.

Salaries of Clerks, p. 28, section 38.

Deputy Surveyors (see "Surveyors"), p. 23, section 26.

Drainage, p. 29, section 43.

Repeal of all laws on, p. 29, section 42.

Elections, p. 15, section 13.

Returns, p. 15, section 14.

Contested, p. 15, section 15.

First, p. 38, section 75.

Executive Department, p. 14, section 12.

Qualifications of members, p. 14, section 12.

Term of office, p. 14, section 12.

Fire Alarm Telegraph—

Superintendent of, p. 37, section 74.

His salary, p. 37, section 74.

Employees and their salary, p. 37, section 74.

Franchises—

Proceeds of (Act 81 of 1882), p. 60.

Gambling houses, p. 13, section 8.

Health—

Council to maintain, p. 11, section 7.

Impeachment—

City officers, p. 33, section 58.

Committee of, p. 34, section 59.

Court of, p. 34, section 60.

Proceedings, p. 34, section 61.

Judgment, p. 34, section 62.

Justices of the Peace, p. 30, section 44.

Legislative Powers, p. 2, section 2.

Licenses and Taxes (see "Revenues").

Collection (Act 127 of 1894), p. 65.

Mayor—

Duties and qualifications of, p. 16, section 19.

Salary, p. 17, section 19.

To approve ordinances, p. 17, section 20.

To hold over, p. 25, section 31.

Vacancies, p. 33, section 54.

Signature, p. 21, section 23.

Term of office, p. 14, section 12.

Mississippi river, p. 37, section 73.

Notary (City), p. 32, section 53.

Oath of office, p. 15, section 16.

Office hours (Act 113 of 1892), p. 64.

Officers—

Term of, p. 38, section 76.

To hold over, p. 25, section 31.

Officers—Continued.

- Removal, p. 25, section 30.
- Salaries, p. 29, section 40.
- Salaries, no increase, p. 29, section 41.
- Impeachment, p. 33, section 58.
- Office hours (Act 113 of 1892), p. 64.

Ordinances—

- Approval, p. 17, section 20.
- Publication, p. 15, section 17.
- Passage, p. 14, section 9.

Paving (see "Streets"), p. 25, section 32.

Petitions—

- Publication of, p. 27, section 35.

Police—

- Council to organize, p. 12, section 7.
- Mayor to appoint, p. 16, section 19.
- Police courts, p. 30, section 45.

Police and Public Buildings, Commissioner of—

- Amended by Act 87 of 1884, p. 41.
- Duties, p. 22, section 25.
- Bond, p. 23, section 25.
- Salary, p. 23, section 25.
- Right to seat in Council, p. 25, section 29.
- To hold over, p. 25, section 31.
- Vacancy, p. 32, section 55.

Powers of Council.—

- Further defined, Act 135 of 1888, p. 61.

President of Council, p. 37, section 71.

Property (see "Taxes")—

- Subject to taxation, p. 36, section 67.
- Real Estate, p. 36, section 68.
- Personal, p. 36, section 69.
- Income, p. 37, section 70.

Public Buildings, Commissioner of—

- (See "Police and Public Buildings"), p. 22, section 25.

Publication of Ordinances, p. 15, section 17.

Public Improvements, Permanent—

- Act 81 of 1882, p. 60.

Railroads, p. 13, section 8.

Recorders—

- Amended by Act 77 of 1884, p. 44.
- Act 90 of 1884, p. 50.
- Act 154 of 1894, p. 55.
- Act 174 of 1894, p. 52.
- Courts, p. 30, section 45.
- Jurisdiction, p. 30, section 46.
- Qualifications and salaries, p. 36, section 47.

Recorders—*Continued.*

Elections, p. 30, section 47.

Removal, p. 31, section 48.

Recorders, *pro tem.*, p. 32, section 51.

Amended by Act 36 of 1892, p. 54.

Fines imposed by, p. 31, section 50.

Vacancy, p. 33, section 57.

Revenue—

Annual tax, p. 34, section 63.

Taxes and licenses, p. 35, section 64.

Collection of licenses (Act 127 of 1894), p. 65.

Salaries—

Of officers, p. 29, section 40.

No increase of, p. 29, section 41.

Schools, p. 12, section 7.

Security, p. 37, section 72.

Sidewalks, p. 13, section 7.

Amended by Act 114 of 1886, p. 39.

Signatures, p. 21, section 23.

Streets—

Paving of, p. 25, section 32.

Amended by Act 113 of 1886, p. 42.

New paving, p. 26, section 33.

Opening of, p. 27, section 34.

Repairs, p. 28, section 36.

Right of Council, p. 28, section 37.

Amended by Act 119 of 1886, p. 44.

Amended by Act 142 of 1894, p. 45.

Surveyor—

Duties of, p. 23, section 26.

Salary, p. 23, section 26.

Surveyors, Deputy—

Duties of, p. 23, section 26.

Compensation, p. 23, section 26.

Taxes—Annual, p. 34, section 63.

Amended by Act 102 of 1884, p. 57.

Delinquent (Act 109 of 1882), p. 66.

Treasurer—

Duties of the, p. 20, section 22.

Bond, p. 21, section 22.

Salary, p. 21, section 22.

Right to seat in Council, p. 25, section 29.

To hold over, p. 25, section 31.

Vacancy, p. 33, section 55.

Signature, p. 21, section 23.

Vacancies, p. 33, section 54.

Wharves, p. 12, section 8.

GENERAL INDEX.

- Abattoir (see "Slaughterhouse").
Absence, leave of, p. 294, article 652.
Accidents, duty of drivers, p. 274, article 599.
Actions, against city, prescription, statute, p. 647.
Adulteration—
 Of bread, p. 134, article 227.
 Of food, p. 385, article 819.
 Of food, statute, p. 409.
 Of milk, p. 386, articles 822, 823.
 Of milk defined, p. 387, article 825.
 Of molasses, p. 388, articles 834-839.
Advertising Boards, p. 1059, article 2795.
Advertisements, posting, etc., p. 557, articles 1405-1410.
 Defacing poles with, p. 562, article 1432.
Advisory Board on Drainage—
 Appointments and duties, p. 267, article 576.
 Board, p. 268, article 581.
 Vacancies, p. 268, article 581.
 Notice of meetings, p. 268, article 582.
 Drainage report, p. 268, article 584.
Agencies, Labor, statute, p. 431.
Agents, renting rooms, etc., to lewd women, p. 458, articles 1080-1088.
Algiers Ice Manufacturing Co.—
 Franchise for electric lighting, p. 289, article 642.
 Main lines and circuits, p. 289, article 643.
 Insulation, p. 289, article 644.
 Splices and joints, p. 290, article 645.
 Streets and sidewalks, p. 290, article 646.
 Conduits, p. 290, article 647.
 Injury to property, p. 290, article 648.
 To begin when, p. 290, article 648.
 Void when, p. 290, article 648.
 Confined to Fifth district, p. 290, article 648.
 Rights reserved by city, p. 291, article 649.
Algiers & Tunisburg Railroad, p. 919, articles 2491-2525.
Alleys, repairs to, p. 1072, articles 2844-2856.
Alignment of banquettes, p. 1074, articles 2857-2859.
 Of streets, p. 1047, articles 2739-2765.
Almshouses, Asylums, Trust Funds and Charitable Institutions—
 Unlawful to establish without permission of Council, p. 67, article 1.

Almshouses—Continued.

- Protests, p. 67, article 2.
- Penalty, p. 67, article 3.
- Record book to be kept, p. 67, article 4.
- Monthly reports, p. 68, article 5.
- Inspection, p. 68, article 6.
- Repealing clause, p. 68, article 7.
- Shakespeare Almshouse, p. 68, articles 8-19.
- Touro Almshouse, p. 70, articles 20-22.
- Prison and Asylum Commission, p. 70, articles 23-31.
- Jean Marie, behest, p. 72, article 32.
- Deaf, Dumb and Blind Institute, statute, p. 73.
- Insane Asylum, statute, p. 74.
- Colin J. Nicholson fund, p. 74.
- Fink fund, p. 77, articles 33-41.
- Fisk fund, p. 80, articles 42-52.
- Nicholas Girod fund, p. 82, articles 53-58.
- McDonogh School Fund, p. 85, articles 59-71.
- Sickles Legacy, p. 88, articles 72-78.

Alterations and Extensions of Buildings—

- In fire limits, p. 354, article 751.

Ambulances—

- Right of way, p. 1064, article 2807.
- Rate of speed, p. 1064, article 2808.

American Union Telegraph Company—

- Right of way, p. 1115, articles 2969-2971.

*Ammonia and Thermo-Specific Propelling Company, p. 702, article 1795.**Amusements, Entertainments and Public Exhibitions—**General Ordinances—*

- Consent of Council, p. 89, articles 79-80.
- Tax, p. 90, article 81.
- Disorderly acts, p. 90, article 82.
- Vehicles, p. 90, article 83.
- Seats for city officers, p. 90, article 84.
- Compensation of police, p. 90, article 85.
- Inspection by Mayor and City Surveyor, p. 91, article 86.
- Duty of City Attorney, p. 91, article 87.
- Mayor to preserve order, p. 91, article 88.
- Weapons, p. 91, articles 89-91.
- Duty of police, p. 92, article 92.
- Military organizations excepted, p. 92, article 93.
- Duty of police, p. 92, article 94.
- Number of police, p. 92, article 95.
- Right of police to enter, p. 92, article 96.
- Penalty, p. 93, article 97.
- Copy of Ordinances to be posted, p. 93, article 98.
- Balls, p. 93, articles 99-102.

Amusements—*Continued.*

- Cockpits, p. 94, article 103. .
- Dog and bull fighting, p. 94, articles 104, 105.
- Glove contests, p. 95, articles 106-108.
- Shooting galleries, p. 96, articles 109.
- Theatres, p. 96, articles 110-112.

Analytical Chemist, p. 204, article 419.

Animals and Birds—

- Dogs, p. 97, articles 113-134.
- Goats, p. 101, articles 135-142.
- Hogs, p. 103, article 143.

General Provisions—

- Wild animals, p. 103, articles 144, 145.
- Driving cattle in certain limits, p. 103, articles 146-148.
- Roving at large, p. 665, articles 1740-1754.
- Sick with glanders. disposal of, p. 103, articles 149-151.
- Sick with contagious diseases, p. 401, article, 896.
- Exercising on certain streets, p. 537, article 1299.
- Washing horses on pavements, p. 537, article 1300.
- Hitching horses, p. 537, article 1302.
- Driving cattle loose through streets, p. 538, article 1303.
- Driving horses through streets, p. 539, article 1308.
- Driving horses in charge of competent keepers, p. 539, article 1309.
- Driving horses. prohibited through certain streets, p. 539, article 1309.
- Roving on banquette, p. 539, article 1312.
- Cruelty to animals, p. 539, article 1313.
- Game, p. 104, articles 152-164.
- Sparrows, p. 106, article 165.
- Pigeons, p. 107, articles 166, 167.
- Acts of Legislature—
 - Stealing horses or mules, p. 107.
 - Cruelty to domesticated animals, p. 107.
 - Property in dogs, p. 108.
 - Society for Prevention of Cruelty to Animals, p. 109.
 - Other acts, p. 109.

Annuities, police, statute, p. 643.

Annunciation & Chippewa Street Railroad lines, p. 871, articles 2032-2335.

Extension for fifty years, p. 886, articles 2368-2393.

Annunciation park, p. 598, article 1510.

Applicants for privileges, requirements, p. 659, articles 1716-1720.

Appropriations—

- Limit of expenditures, p. 110, article 168.
- One-twelfth rule, p. 110, article 170.
- Expenses School Board, p. 692.

Archives, p. 110.

Artillery, in parks and squares, prohibited. p. 565, article 1445.

Assessments, p. 116, articles 172-191.

Assessors—

Assessment districts, p. 114, articles 176-191.

Appointment of board and their duties, p. 110, articles 172-174.

Correction of assessment, p. 112, article 175.

Decisions, p. 116.

Astredo, John, certain rights at West End, p. 452, article 1062.

Atlantic and Pacific Telegraph Company—

Right of way, p. 1116, article 2972.

Attorney, City—

Election, duties and salary, p. 116, article 192.

To draft ordinances, p. 117, article 193.

To prepare documents, p. 117, article 194.

Records, p. 117, article 195.

Moneys, p. 117, article 196.

Salary full compensation, p. 117, article 197.

Duties at end of term, p. 117, article 198.

Costs, p. 117, articles 199, 200.

Duty of Comptroller, p. 118, article 201.

Licenses, p. 465, article 1115.

Legal adviser of Police Board, p. 642.

Personal tax bureau, duty of, p. 1105, article 2939.

Duty relative to juvenile vagrants, p. 1142, article 3053.

Assistants (see "Taxes")—

Appointment, duties and salary, p. 118, article 202.

Collection of delinquent taxes, p. 119, article 203.

Injunction bonds, p. 119, article 204.

Notice to sue in certain courts, p. 119, article 205.

Canceling judgment, p. 119, article 206.

Recording judgment, p. 119, article 207.

License, p. 465, article 1116.

Auction and Auctioneers, statute—

Act relative to, p. 120.

Relative to bonds, p. 125.

Judicial and other sales, p. 125.

Sales of Goods, where and at what time, p. 126.

Proces verbal, p. 127.

Sales on stocks, bonds, etc., p. 127.

Decision, p. 127.

Audubon Park—

Board of Commissioners created, p. 589, article 1486.

Number of board, p. 590, article 1487.

Appointment, p. 590, article 1488.

Powers of, p. 590, article 1489.

Audubon Park—Continued.

- Commissioners not to be interested in contracts, etc., p. 591, article 1490.
- Collections and disbursements, p. 591, article 1491.
- Reports, p. 591, article 1492.
- Waterworks and Police, p. 591, article 1493.
- Board authorized to make rules and regulations, p. 591, article 1494.
- Violations of rules, etc., p. 591, article 1495.
- Purpose of park not to be changed, p. 592, article 1496.
- Change of name to Audubon, p. 592, article 1498.
- Rules and regulations, p. 592, article 1499.
- Note of City Park, p. 593, article 1499.
- City Surveyor to survey, etc., p. 597, article 1501.

Awnings, Sheds and Signs—

- Height above banquettes, p. 128, article 208.
- Duty of Police, p. 128, article 209.
- Duty of Commissioner, p. 128, article 210.
- Masking lights, p. 128, article 211.
- Fireproof covering, p. 128, articles 212-213.
- Swinging signs, p. 129, articles 214, 215.
- Duty of Commissioner to cause removal, p. 129, article 217.
- Canal street, p. 130, article 218.
- Duty of Commissioner, p. 130, 219.

Bakery—Bread—

- Bakers to report to Mayor, p. 130, article 220.
- Consent of property holders, p. 131, article 221.
- Weight of loaves, p. 131, article 222.
- Weights and Scales, p. 131, article 223.
- Inspection of bread, p. 132, article 224.
- Assize, how fixed and published, p. 133, article 225.
- Tariff of weight and price, p. 133, article 226.
- Adulteration of bread, p. 134, article 227.
- Bread made to order, p. 134, article 228.
- Unlawful to sink wells, p. 134, articles 231, 232.
- Penalty, p. 134, article 233.

Balconies, galleries, etc. (see "Buildings"), p. 179, article 341.

Ballast on Wharves, p. 1181, articles 3167-3169.

Balls (see "Amusements")—

- Permission, p. 93, article 99.
- Mayor to close, when, p. 94, article 100.
- Duration, p. 94, article 101.
- Contrary to public morals, p. 94, article 102.
- Police and their duty, p. 94, article 103.

Baltimore & Ohio Telegraph Co.—

Franchise and right of way, p. 1116, articles 2973-2981.

Barges (see "Wharves"), p. 1225.

Barrooms and Restaurants—

- Petitions to Council p. 135, article 234.
- Protests, p. 135, article 235.
- Penalty, p. 135, article 236.
- License, p. 136, article 238.
- Sign, p. 136, article 239.
- Sales, p. 136, article 240.
- Transfer of license, p. 136, article 241.
- Sale of liquor to U. S. soldiers, p. 136, article 242.
- Music in barrooms, etc., p. 136, article 243.
- Disorderly houses, p. 137, article 244.
- On election days, p. 137, article 245.
- Hours for closing, p. 137, article 246.
- Music saloons (license), p. 137, article 247.
- Hours for closing, p. 138, article 248.
- Permission to open, p. 138, article 249.
- Liquors to minors, p. 138, articles 251-254.
- Lewd women, p. 457, article 1075.
- Restaurants (see "Restaurants"), p. 139, articles 255-258.
- Privileges, p. 142.
- Requirements of applicants to Council for privilege, p. 659, article 1717.

Acts of Legislature—

- Penalty for keeping saloon open without license, p. 140.
- Females in concert halls, etc., p. 140.
- Sale to minors prohibited, p. 141.

Basins (see "Canals"), p. 190.

Baths (see "New Orleans Auxiliary Sanitary Association"), p. 534, articles 1290-1298.

Bathing in reservoir of waterworks prohibited, p. 1070, article 3141.

Indecent exposure, p. 551, article 1376.

Batture—

- Taking sand, p. 441, article 1012.
- Piling sand on levee prohibited, p. 441, article 1013.
- Wharfingers to regulate taking of, p. 441, article 1014.
- All permits revoked, p. 441, articles 1015-1017.
- Deposits to be made, p. 441, article 1016.
- Permission to Orleans Levee Board, p. 442, articles 1018, 1019.
- Rice chaff, p. 442, article 1020.

Banana Peelings, p. 566, articles 1450-1452.

Banquettes (see "Sidewalks").

Bawdy Houses, p. 457, articles 1074-1095.

Bayou St. John (see "Canals"), p. 186.

Beauregard Square—

- Change of name from Fillmore to, p. 598, article 1511.
- Change of name from Congo to, p. 598, article 1512.

Beauregard Square—Continued.

Board, p. 599, article 1513.

Organization of Board, p. 599, article 1514.

Powers of Commissioners, p. 599, article 1515.

Exclusive control, p. 599, article 1516.

Improvements, p. 600, article 1517.

Police, p. 600, article 1518.

Free access, p. 600, article 1519.

Beef, Corned, sale of, p. 477, article 1174.

Beggars (see "Vagrants").

Bells—

Bicycles, p. 154, article 261.

Steam Railroads to ring in city limits, p. 698, article 1773.

To be placed on trains of street railroads, p. 701, article 1788.

Louisville & Nashville, p. 722, article 1884.

Belt Railroad—

New Orleans Belt Railroad, p. 941, articles 2574-2590.

Mayor to appoint Commissioners to perfect plan, p. 952, article 2613.

Beer Houses (see "Barrooms"). p. 135, article 234.

Bicycles—

To be provided with light and bell, p. 154, article 261.

Unlawful to ride on Camp and Melpomene culverts, p. 154, article 262.

Riding on banquettes prohibited, p. 154, article 263.

Pushing on banquette permitted, p. 154, article 263.

Births, Deaths and Marriages (see "Health"), p. 406.

Black, Charles E., and associates, p. 1119, articles 2982-2996.

Franchise and right of way, Telephone Company.

Blacksmiths (see "Forges"), etc., p. 361, articles 761-765.

Boarding-houses (see "Health"), p. 470, articles 933-935.

Board of Assessors (see "Assessors"), p. 114.

Board of Commissioners of Asylums, etc. (see "Almshouses"), p. 67, articles 1-78.

Board of Commissioners of Squares, Parks, etc. (see "Parks and Neutral Ground"), p. 585, articles 1483-1631.

Boards of Commissioners of Liquidation (see "City Debt"), p. 210.

Board of Police Commissioners (see "Police"), p. 638.

Board of Health (see "Health"), p. 385.

Board of Harbormasters (see "Harbormasters"), p. 382.

Board of Directors of Public Schools (see "Public Schools"), p. 672.

Board of Administrators of Charity Hospital (see "Hospital"), 409.

Board of Commissioners of Trust Funds (see "Asylums, etc."), p. 67, articles 1-78.

- Board of Fire Commissioners (see "Fire Department"), p. 339.
Board of Levee Commissioners (see "Lands and Levees"), p. 432.
Boats—
 Carry off fecal matter, p. 1161, articles 3113, 3114.
 Sale of garbage, p. 377, article 790.
 Landing, p. 1226.
Bohn, B. C., Lease lot No. 13, West End, p. 449, articles 1045-1047.
Boilers—
 Inspection of, p. 427.
 Steam engines and, p. 1011, articles 264-2203.
Bonfires (see "Combustibles"), p. 243.
Bonds and Securities—
 Official bonds, how executed, p. 155, article 264.
 Police bonds, before whom, p. 156, article 265.
 Police bonds, p. 650.
 Sureties to possess real estate, p. 156, article 267.
 Bonds completed before warrant issue, pp. 156, 571, 572, articles 568, 1458, 1459.
 To be furnished within two weeks, p. 156, article 569.
 Condition of bonds, pp. 156, 572, articles 572, 1460.
 Duty of clerk of council, p. 156, article 571.
 Acts of Legislature—
 Disposition of forfeited bonds, p. 157.
 Authority to New Orleans to require bonds, p. 157.
Boneyards, p. 993, article 2694.
Books and Accounts of city, relative to keeping, etc. (see "Comptroller").
Books of Comptroller (see "Comptroller").
Bootblacks, around squares, parks, etc., prohibited, p. 565, article 1446.
Boundaries—
 City, left bank, p. 158, article 273.
 Wards, precincts, p. 158, article 275.
Boxes, metallic—
 Garbage, p. 375, article 782.
Boylan Detective Agency and Protection Police.
 Rights and privileges, p. 644, articles 1669-1674.
Bread (see "Bakery," etc.), p. 130, article 220.
Breweries (see "Health").
Bridge (see "Canals," etc.), p. 190.
Buildings, their construction (see "Fire Escapes and Fire Limits").
 Certificate of City Engineer, p. 168, article 292.
 Plans and specifications, p. 168, article 292.
 Name and residence of owner to accompany plans, p. 168, article 292.
 Record of permit, p. 168, article 293.

Buildings—Continued.

- Permits, p. 168, article 294.
- Charges for permits, p. 169, article 295.
- Certified costs, p. 169, article 296.
- Repairs, etc., under \$750, p. 169, article 297.
- Party walls, p. 169, article 298.
- Construction of walls, p. 170, article 299.
- Mortar, p. 170, article 300.
- Brick walls, p. 170, article 301.
- Stone walls, p. 170, article 301.
- Buildings, six or more stories, p. 170, article 301.
- Buildings, more than eight stories, p. 170, article 301.
- Headers, stone walls, p. 170, article 302.
- Headers, brick walls, p. 171, article 302.
- Backing of all walls, p. 171, article 302.
- Hollow walls, p. 171, article 303.
- Front, rear and party walls to be anchored, p. 171, article 304.
- Side or party wall, how anchored, p. 172, article 305.
- Joists and timber, p. 172, article 306.
- Iron plates and anchors, p. 172, article 307.
- Cornices, p. 172, article 308.
- Chimneys and their construction, p. 173, articles 309, 310.
- Floors and roofs of buildings more than 32 feet in width, p. 173, article 311.
- Floors of residences, p. 174, article 312.
- Floors of stores and warehouses, p. 174, article 312.
- Unlawful to load floors in excess of ordinance, p. 174, article 313.
- Scuttle frames and doors, p. 174, article 314.
- Shutters, p. 174, article 314.
- Fireproof material, p. 174, article 315.
- Beams, etc., of party walls, p. 175, article 316.
- Party walls to extend above roof, p. 175, article 317.
- Supports of buildings to be of brick, iron or stone, article 318.
- Gutters, p. 175, article 319.
- Steeple, cupola, spire or tower to be fireproof, article 320.
- Sleeping apartments, p. 175, article 321.
- Hatchways, hoistways, etc., p. 176, article 322.
- City Engineer to examine all buildings, p. 176, article 323.
- Dangerous buildings, p. 176, article 324.
- Expenses of demolition, p. 177, article 325.
- Lots to be raised, p. 177, article 326.
- Permit of City Engineer, p. 177, article 327.
- Grade of lots, p. 177, article 328.
- Bond to fill, p. 177, article 329.
- Filling with manure, p. 394, articles 866, 867.

Buildings—Continued.

- Powers of Board of Health, p. 178, article 331.
- To be filled, p. 391, article 848.
- Permit to build, p. 391, article 849.
- Sills of frame buildings, p. 178, article 332.
- Water supply, p. 178, article 333.
- Cisterns to be covered, p. 178, article 334.
- Chimneys of all forges, etc., how constructed, p. 178, article 335.
- Debris to be removed, p. 178, article 336.
- Use of street and banquette, p. 179, article 337.
- Stoves and stovepipes, p. 179, articles 338, 340.
- Balcony, p. 179, article 341.
- Gutters across banquette, p. 180, article 342.
- Penalties, p. 180, articles 343, 344.
- Assistant City Engineers—
 - Salary of assistants, p. 181, articles 345, 346.
 - Engineer and assistants to enforce ordinances, p. 181, article 347.
- Appeal to City Council, p. 181, article 348.
- Buildings 70 feet high, p. 181, article 349.
- Stairs, p. 182, article 350.
- Fireproof materials, p. 182, article 351.
- Rules for construction, p. 182, article 352.
- Front steps, p. 183, article 353.
- Windows and shutters, p. 183, article 354.
- Filling of lots, p. 183, articles 355, 356.
- Iron shutters, p. 183, articles 357, 358.
- Deposit fees, p. 184, article 360.
- Demolition in case of fire, p. 348, article 726.
- Fire limits, p. 351, articles 736, 751.
- Obstructions on streets and sidewalks, p. 1060, articles 2797-2800.
- Budget (see "City Charter").
- Burials and burying grounds (see "Cemeteries"), p. 196, articles 380, 418.
- Bull fighting (see "Amusements"), p. 94, articles 104, 105.
- Boats for carrying off fecal matter, p. 1161, articles 3113, 3114.
- Bowman, E. S., lease of lot No. 12, West End, p. 453, articles 1067, 1068.
- Bruning, T., lease of lot No. 16, West End, p. 450, articles 1051-1053.
- Brush, burning, p. 552, articles 1385, 1386.
- Brush Electric Light and Power Company, p. 279, articles 607-615.
- Rights and Privileges—
 - Burdeau, Chas. K., transfer of lease of wharves, p. 1231-article 3338.
- Burning brush, p. 552, articles 1385, 1386.

- Cabarets (see "Barrooms"), etc., p. 135.
- Cabs, carts, carriages, etc. (see "Vehicles"), p. 1147.
- Cable towers (see "Towers"), p. 1134.
- Camp, Coliseum and Melpomene street culvert, p. 185, article 362.
Unlawful to ride or drive on, p. 154, article 263.
- Camp & Prytania Line, p. 825, articles 2197, 2232.
Extension, p. 835, articles 2233, 2303.
- Camp & Magazine Line, p. 825, articles 2197, 2232.
Extension, p. 839, articles 2245, 2303.
- Canal, Metairie Road & Bayou St. John, p. 825, articles 2197, 2231.
Extension, p. 853, articles 2281, 2303.
- Canal Street & Lake Railroad, p. 854, articles 2285-2303.
- Canal & Claiborne Street Railroad, specification, p. 806, articles 2168, 2171.
Extension of franchise, p. 812, articles 2172-2179.
Unlawful to ride or drive on. Bicycles, p. 154, article 263.
- Canals and Basins, Bridges and Shell Roads—
Bridges—
Opening of, p. 185, article 363.
Penalty, p. 185, article 364.
Broad street bridges, statute, p. 185.
- Canal, Carondelet and Bayou St. John—
Landing of schooners, p. 186, article 365.
Not to land bricks, p. 186, article 366.
Cargo landed in contravention of ordinances, p. 186, 367.
Lumber and timber, p. 186, article 368.
Place over which to haul timber, p. 186, article 369.
- Bayou St. John shell road—
Franchise, p. 187, articles 370, 371.
Authority to see, p. 187, article 372.
Manner of construction, p. 187, article 373.
Streams to be bridged, p. 188, article 373.
Toll, p. 188, article 374.
Maintenance, p. 189, article 375.
When work to commence, p. 189, article 376.
Security, p. 189, article 377.
Annulling of contract, p. 189, article 378.
Forfeiture of franchise, p. 189, article 378.
Reversion, p. 189, article 379.
- New Basin Canal and Shell Road, statute—
The appointment of superintendent, employees, etc.,
the the control, government and management, regulation for government of same, salaries of officers, employees, duties of officers, p. 190.
- Locks and embankments, statute, p. 195.
- Constitution of 1879, p. 195.

Canal Street—

Obstructions, sheds, etc., p. 130, articles 218-219.

Houses of prostitution, p. 460, articles 1091-1094.

Right and left roadways, p. 1065, articles 2812-2815.

Creating Board of Commissioners, their appointment, etc.,
p. 600, articles 1520-1521.

Neutral ground, p. 529, articles 1271-1273.

Carcasses of animals (see "Health, Garbage").

Car Drivers—

Negligence, want of skill, p. 275, article 603.

Full stop at intersections, p. 542, article 1327.

Full stop crossing tracks, p. 542, article 1330.

Carnival processions, obstruction of, p. 1158, article 3110.

Carondelet Canal (see "Canals," etc), p. 186.

Carriage ways over banquettes, p. 1078, articles, 2772, 2874.

Carrollton, New Orleans and, Railroad—

Franchise and right of way, p. 785, articles 2068, 2167.

Carpets, shaking in public places prohibited, p. 563, article 1437.

Carts' and wagons (see "Markets, Vehicles").

Cattle driving in certain limits, p. 103, articles 146-148.

Cattle—

Inspection of, p. 393, article 861.

Landing of diseased, p. 393, articles 862-863.

Carrollton avenue, p. 601, article 1522.

Carrollton market, p. 490, articles 1229-1230.

Carroll, Michael, lease of lot No. 9, West End, p. 454, articles
1070-1072.

Cemeteries and Interments—

Tombs, how constructed, p. 196, article, 380.

Cemeteries of associations, p. 196, article 381.

Removal of rubbish, p. 196, article 382.

Duty of sextons, p. 196, article 383.

Charges, p. 197, article 384.

Tombs, vaults opened, p. 198, article 386.

Reports of sextons, p. 198, article 387.

Unlawful to bury in city limits, p. 198, articles 388-389.

Damaging tombs, p. 198, article 390.

Penalty, p. 199, article 391.

Improper conduct, p. 199, article 392.

Burial of bodies, p. 199, article 393.

Vehicles in, p. 199, article 394.

Penalty, p. 199, article 395.

Burial of prisoners, p. 199, article 396.

Sextons to make arrests, p. 200, article 397.

Sextons to post ordinances, p. 200, article 398.

Permission of Council to establish, p. 200, article 399.

Duty of Sexton, p. 200, article 401.

Necessary certificates, p. 201, article 402.

Cemeteries and Interments—*Continued.*

Penalty against Sextons, p. 201, article 403.

Penalty to other offenders, p. 201, article 404.

Duty of physicians, p. 201, article 405.

Exceptions, p. 201, article 406.

Duty of Recorder of Deaths, p. 201, article 407.

Firemen's Cemetery, Fifth District, p. 201, articles 408-409.

Holt Cemetery, p. 202, article 410.

Israelite Charitable Association Cemetery, p. 202, article 411.

Locust Grove Cemetery, p. 202, articles 412-413.

Seventh District Cemetery, p. 203, articles 414-415.

Valence Cemetery, p. 203, articles 416-417.

Washington Cemetery, p. 203, article 418.

Act of Legislature, p. 204.

Charitable Institutions, p. 67, articles 1-78.

Charity Hospital (see "Hospitals").

Charivaris prohibited, p. 548, article 1358.

Charter, City, p. 1.

Chemist, City, p. 204, article 419.

Chief Clerks (see "City Charter").

Authorized to sign tax bills, p. 1101, article 2952.

Chief of Police (see "Police") p. 638.

Duty as to Fire Escapes, p. 351, article 734.

Chimneys, Stoves and Stovepipes (see "Buildings"), p. 178, article 335.

Construction of discharging and arched pieces, p. 205, article 422.

Flues to be lined, p. 205, article 422.

Chimneys, how constructed, p. 206, article 423.

Dangerous chimneys to be removed by Mayor, p. 206, article 423.

Of dwellings to be properly lined, p. 206, article 424.

Lining, p. 206, article 425.

Inspector's duties, p. 206, article 426.

Owners and builders to assist inspector, p. 207, article 427.

Chimneys to be rebuilt—when, p. 207, article 428.

City Engineer to keep record, p. 207, article 429.

Penalties, p. 207, article 430.

Of forges and factories, p. 207, 296, articles 431, 663.

Chimneys to be swept, p. 207, article 432.

Stoves, p. 207, article 433.

Stovepipes projecting, p. 208, article 434.

Stovepipes over sidewalks, p. 208, article 435.

Not to annoy neighbors, p. 208, article 436.

Penalty, p. 208, article 437.

Noise and smoke of factories annoying neighbors, p. 208, article 438.

Chimneys, Stoves and Stovepipes—*Continued.*

Penalty, p. 208, article 439.

Chimneys in low buildings, p. 209, article 440.

Pipes through sides or roof, p. 209, article 441.

Articles of Civil Code, p. 209.

Certificates—burial, p. 201, article 402.

Cisterns (see "Buildings"), water supply, p. 178, article 334.

Covers for, p. 209, 392, articles 442-443, 853.

City Attorney (see "Attorney") p. 116, article 192-201.

City Carts, printed on side of, p. 1150, article 3070.

City of New Orleans (see "New Orleans," "City Charter"), p. 1.

City Debt.

Acceptance of city of Act No. 58, p. 82, articles 210-445.

Issue of certificates or annexes, payable in forty years,
p. 210, article 446.

Outstanding coupons, p. 211, article 447.

Rights of bondholders, p. 212, article 448.

Board of Liquidation—

Commissioners of consolidated debt to turn over books,
papers, bonds, etc., p. 212, article 450.

To deposit interest fund, p. 213, article 451.

To prepare bonds, p. 213, article 452.

Form of bond, p. 213, article 453.

By whom to be signed, p. 213, article 454.

Premium Bonds—

Adoption of plan, p. 213, article 455.

Funding of bonds, p. 214, article 456.

Time of allotting, p. 214, article 457.

To advertise for bonds to be funded, p. 214, article 458.

Time for presenting bonds, p. 214, article 459.

Engraving bonds, p. 214, article 460.

Floating debt defined, p. 215, article 461.

Bonds of cities of New Orleans, Carrollton and Jefferson,
p. 215, article 462.

Ordinances of city, p. 215, articles 462-469.

Acts of Legislature—

Premium bonds, Act 31 of 1876, p. 217.

Board of Liquidation, Act 133 of 1888, p. 222.

Board of Liquidation, Act 67 of 1884, p. 225.

Board of Liquidation, Act 116 of 1890, p. 227.

City employees, p. 294.

City Librarian, p. 461.

City laws (see "Ordinances"), p. 573.

City parks (see "Parks," etc.), p. 585.

City property, p. 650.

Claiborne street neutral ground, pp. 528, 540, 602, articles 1266,
1279, 1280, 1530, 1531.

Claiborne Market, not to be changed, p. 482, articles 1188-1199.

Claims against city (see "City Debt"), p. 210.

Cleveland Park—

Boundaries, p. 601, article 1523.

Commissioners, p. 601, article 1524.

Name, p. 601, article 1525.

Extending boundary, p. 601, article 1526.

Additional commissioners, p. 602, article 1527.

Annulling lease of ground corner Tulane avenue and Clai-
borne street, p. 602, article 1528.

Adding same to park, p. 602, article 1529.

Clerks of Committees—

Applicants for privileges, p. 659, article 1718.

Clerks of Council—

Notarial acts, p. 156, article 274.

Coal Boats (see "Wharves"), p. 1225.

Cockpits (see "Amendments"), p. 94, article 103.

Coffee-houses (see "Barrooms"), p. 135.

Coliseum, Camp and St. Charles street culvert, p. 185, article
362.

Coliseum Square—

Appointing commissioners, p. 623, article 1628.

Coliseum Street Line, p. 872, articles 2336, 2339.

Extension fifty years, p. 887, articles 2371, 2393.

Commissioners—

Of Fink estate, p. 77, articles 33-41.

Of McDonogh estate, p. 85, articles 59-71.

Of Jury, p. 429.

Common Council (see "City Charter")—

Limit of expenditures, p. 239, article 470.

Appeal to, in buildings, p. 181, article 349.

Approval of contract, p. 254, articles 530-532.

To authorize contracts over \$500, p. 571, article 1457.

Combustibles—

Petroleum—

Storage and limits, p. 238, article 471.

Quantity, p. 238, article 473.

Enforcement of ordinance, p. 238, article 474.

Penalty, p. 238, article 475.

Scope of ordinance, p. 239, article 476.

Interpretation, p. 239, article 477.

Removal, p. 239, article 478.

Gunpowder—

License to sell, p. 239, article 479.

Wholesale dealers, p. 240, article 480.

Vessels for carrying, p. 240, article 482.

Packing, p. 240, article 483.

Conveyance through city, p. 240, article 484.

Duty of Mayor, p. 241, article 485.

Combustibles—*Continued.*

Transportation in cars, p. 241, article 486.

Delivery, p. 241, article 487.

Penalty, p. 241, article 488.

Transfer, p. 241, article 489.

Hours for delivery, p. 241, article 490.

Powder Magazine—

Hours, p. 241, article 491.

Regulations, p. 242, article 492.

Delivery of powder, p. 242, article 493.

Charges, p. 242, article 494.

Exceptions, p. 242, article 495.

Penalty, p. 242, article 496.

Permit to C. B. Penrose, p. 242, article 495.

Torpedoes, p. 243, article 498.

Combustibles—

Shavings, bonfires, etc., p. 243, article 499.

Stables and dairies, p. 243, article 500.

Pitch, tar and turpentine, p. 244, article 501.

Hay, straw, etc., p. 244, article 502.

Storing near railroad tracks, p. 997, articles 2653, 2656.

Commissioner Public Works—

Relative to awnings, sheds and signs, p. 128, articles 210, 219.

Duties, bond and salaries, p. 246, article 504.

Duties of garbage contractor, p. 375, article 777.

Relative to garbage removal, p. 377, article 792.

Relative to levees, p. 436, articles, 987-1008.

To erect sign-boards on crossings of Melpomene and Camp street culverts, p. 505, article 1254.

To erect sign-boards in parks, etc., p. 566, article 1449.

Construction of street and railroad crossings, p. 705, article 1812.

Charge of prisoners on works, p. 653, article 1691.

To require railroads to place streets in good order, p. 706, article 1819.

Streets torn up, duty of, p. 1054, article 2774.

Street repairs, duty of, p. 1055, article 2776.

Removal of obstructions, p. 1061, article 2797.

Sidewalks, p. 1072, article 2842.

To remove offensive matter, p. 1164, article 3125.

To regulate landing goods, etc., on wharves, p. 1182, articles, 3176, 3180.

Commissioner Police and Public Buildings—

Inspection of bread, p. 132, article 224.

Duties, bond and salary, p. 244, article 503.

To cause removal of offensive matter, p. 390, article 841.

Electric light, p. 470, article 1146.

Commissioner Police and Public Buildings—*Continued.*

To keep register of markets, p. 477, article 1171.

To establish pounds, p. 667, article 7747.

Committees, Council, p. 246, article 505.

Impeachment and removal, p. 425, article 959.

Competitive examination, school teachers, p. 689.

Contagious Diseases—

Duty of parents, teachers, etc., p. 395, article 875.

Visiting afflicted persons, p. 396, article 877.

Public funerals prohibited, p. 396, article 878.

Vehicles conveying, p. 396, article 874.

Duty of teachers, p. 397, article 880.

School children, p. 397, article 881.

Definition of contagious diseases, p. 397, article 882

To be reported, p. 399, article 891.

To prevent spread of by children, p. 400, article 892.

Reports, by whom, p. 400, article 893.

Parents to notify principals, p. 400, article 894.

Removal to hospitals, p. 402, article 900.

Expense, p. 402, article 901.

Regulating access and egress, p. 402, article 902.

Disinfection of clothing, p. 402, article 903.

Comptroller—

Relative to contracts, p. 254, article 526.

Specifications, p. 256, article 539.

Transfers, p. 295, article 657.

Approval of bills, p. 248, article 506.

Contracts, p. 248, article 507.

Register of claims, p. 248, article 508.

Note, warrant, cash books, p. 249, article 508.

Journal and ledger, p. 249, article 508.

Other duties, p. 250.

To sell property for taxes, p. 662, article 1731.

Ex-officio member of Board of School Directors, p. 691.

To assist Treasurer in collection of taxes, etc., p. 1103, article 2929.

Personal Tax Bureau, p. 1106, article 2940.

To report all tax researches, p. 1107, article 2948.

To set aside funds of Waterworks, p. 1167, article 3129.

Conduits—

Franchise, p. 250, article 509.

Route, p. 250, article 509.

Supervision of Surveyor and Commissioner of Public Works, p. 250, article 510.

Bond, p. 250, article 511.

Lights furnished city, p. 251, article 512.

Liability for damages, p. 251, article 513.

Right of city to use wires, etc., p. 251, article 514.

Conduits—Continued.

Annual payment, p. 252, article 515.

Charges, p. 252, article 516.

Penalty, etc., p. 252, article 517.

To be clear of other pipe, p. 252, article 518.

When to take effect, p. 252, article 519.

Congo Square, name changed to Beauregard, p. 598, article 1512.

Constable, fees and costs, p. 299, articles 673-679.

License collection, p. 465, articles 1117-1123.

Construction (see "Buildings"), p. 168, articles 292-360.

Consumers, smoke, p. 555, articles 1399, 1400.

Contagious diseases (see "Health"), p. 395, articles 875-903.

Contracts and Contractors (see "Buildings," "Comptroller," "Labor and Laborers," "City Surveyor," "City Council").

Sureties to possess real estate, p. 253, article 520.

Paving Contracts—

To commence when, p. 253, article 521.

City Surveyor's approval, p. 254, article 522.

License, p. 254, articles 524, 525.

Duty of Comptroller, p. 254, article 526.

Non-fulfilment of contract, p. 254, article 527.

Extra work, p. 254, article 528.

Bills not approved unless under approved specifications, p. 254, article 529.

Plans and specifications submitted to Council, p. 254, articles 530-532.

Contracts printed at expense of contractors, p. 254, article 533.

Plans and specifications to be first approved by Council before sale, p. 255, article 531.

Approval of Council before commencement of work, p. 255, article 532.

How abrogated, p. 255, article 533.

Over \$500, p. 255, article 534.

Duty of Finance Committee, p. 256, article 535.

Duty of City Notary, p. 256, article 536.

Return of deposits, p. 256, article 538.

Specifications to be forwarded Comptroller, p. 256, article 539.

Committee to investigate, p. 256, articles 540, 541.

Employment of resident labor, p. 430, articles 982-985.

Not binding unless approved by Council and let to lowest bidder, Statute, p. 570.

Prescription of, 647.

Contravention clerk, duties of, p. 1822, article 3170.

Conveyance of prisoners, p. 654, articles 1696-1700.

Conveyance, Register of, p. 973.

Cordero, Antonio, certain rights at West End, p. 452, article 1062.
Costs, penalties, on taxes, p. 1133, article 3027.
Cotton Landing, p. 1192, article 3219.

Cotton--

Storing near railroad tracks, p. 997, articles 2653-2656.

Cotton Presses and Pickeries, p. 257, article 542.

Smoking in, prohibited, p. 560, article 1419.

Counsel fees of city officials to be paid by city, p. 571, article 1455.

Courts--

Police, p. 969, articles 2614, 2621.

Driving past U. S. Circuit, p. 1158, articles 3102, 3103.

Court Officers--

Recorders' Courts, p. 257, article 543.

Report to Chief, p. 257, article 544.

Members of Police, p. 257, article 545.

Penalty, p. 257, article 546.

Court Houses--

Court House keepers, p. 429, articles 975-980.

New Court House and Jail--

Advertisement for bids, p. 258, article 547.

Plans and specifications, p. 258, article 548.

Cost, p. 259, article 549.

Providing for payment, p. 260, articles 550-557.

Accepting bid of M. A. Orlopp, p. 262, article 558.

Bricks to be oiled, p. 263, article 560.

Signs, p. 263, article 562.

Bulletin boards, p. 263, article 564.

Sewer connections, p. 264, article 565.

Other ordinance, memoranda, etc., p. 264.

Civil District Court--

Appointment Committee on Ways and Means, p. 264,
article 567.

Special Committee, p. 265, article 568.

Crescent City Railroad Company, p. 860, articles 2307-2366.

Extension 50 years, p. 885, articles 2367-2393.

Right of way and specifications.

Extension fifty years, p. 885, articles 2367-2393.

Criminal Court, p. 258, article 547.

Sale of old buildings, p. 461, article 1098.

Cromwell Line, wharf privileges, p. 1207, articles 3267, 3273.

Crossings--

Steam cars not to obstruct, p. 699, article 1775.

Speed of railroads at Canal street, p. 701, article 1786.

Full stop at steam railroad, p. 705, articles 1808, 1810.

Crossings—Continued.

Construction of, p. 705, articles 1811, 1813.

Duty of Commissioner of Public Works, p. 705, article 1812.

Full stop at railroad, p. 707, article 1820.

Cars of L. & N. Railroad on, p. 722, article 1884.

Cruelty to Animals, Statute, pp. 109, 539, article 1313.

Dairies (see "Stables and Dairies") p. 999.

Dead animals (see "Health"), p. 398, article 886.

Dead bodies (see "Health"), p. 395, article 883.

Not to be disturbed, p. 271, articles 588-589.

Deadheads, p. 569.

Dead, indigent, p. 426, articles 964-969.

Deaf, dumb and blind asylum statute, p. 73.

Deaths, births and (see "Health"), p. 385.

Debt (see "City Debt"), p. 210.

Debris to be removed, p. 178, article 336.

Decimal system, house numbering, p. 422, article 936.

Delinquent taxpayer (see "Taxes") p. 1101.

Delord street neutral ground, p. 531, article 1281.

Department, organization of, p. 577, articles 1479-1481.

Estimate of supplies and materials, p. 570.

Depredations on public buildings, p. 552, article 1381.

Detective Agencies—

Unlawful to conduct unauthorized, p. 272, article 590.

Penalty, p. 272, articles 591-592.

Application to City Council and Bond, p. 272, article 3.

Diagrams of theatres, p. 96, article 100.

Digest of ordinances (see "Ordinances") p. 573.

Digging up streets, p. 556, articles 1401, 1404.

Disinfecting, pp. 658-1160, articles 1714-3110.

Disorderly houses, p. 137, article 244.

Disorderly persons, p. 1143, article 3054.

Districts, garbage, p. 371, article 771.

Pounds, p. 665.

District Attorney, p. 273.

Disturbing the peace, drunk, etc., p. 548, article 1360.

Ditches, drains (see "Fences," "Health," and "Streets").

Dogs—

Fighting, p. 94, articles 104-105.

At large, p. 97, article 113.

Owner, p. 98, article 114.

To be confined, p. 98, article 115.

Tenements, p. 98, article 116.

Unlawful to release, entice, etc., p. 98, article 117.

Vicious dogs, p. 98, article 118.

Injury to persons, p. 98, article 119.

Dogs—Continued.

Tags, p. 98, articles 120-122.

Impounding, p. 99, article 123.

When slain, p. 100, article 129.

Vicious dogs, p. 100, article 130.

Douglas Square, name changed, p. 616, article 1599.

Drains, private, p. 1078, articles 2875, 2876.

Drainage—

Duty of Council, p. 265, article 569.

Removal of timber and stringers by railroads, pp. 265, 703,
articles 570, 1799, 1800.

Penalty, p. 266, article 571.

Supervision, p. 266, article 572.

Topographical survey, p. 266, article 574.

City Engineer to submit plans, p. 266, article 575.

Mayor to appoint Advisory Board, p. 267, article 576.

City Engineer to report to Council, p. 267, article 577.

Setting aside certain fund, p. 267, article 578.

Funds for topographical survey, p. 267, article 579.

Creating drainage fund, p. 268, article 580.

Advisory Board, p. 268, article 581.

Vacancies, p. 268, article 581.

Notice of meetings, p. 268, article 582.

Drainage plan adopted, p. 268, article 583.

Broad Street Canal, p. 268, article 583.

Report of Advisory Board, p. 268, article 584.

City Engineer to prepare plans and specifications, p. 269,
article 585.

City Engineer authorized to employ certain advisory or
consulting engineers, p. 269, articles 586, 587.

Other ordinances, p. 269.

Proceeds of sale of swamp land pledged, p. 661, article
1726.

Illinois Central Railroad not to impair, pp. 709, 715, articles
1829, 1858.

Acts of Legislature, p. 270.

Decisions, p. 271.

Drivers and Driving—

Fast driving, p. 273, article 596.

Vehicles included, p. 273, article 597.

Speed, p. 274, article 599.

Unlimited speed, Fire Department, p. 346, article 718.

Must keep to the right, p. 274, article 598.

Duty of driver in case of accident, p. 274, article 599.

Keep their seats, p. 274, article 600.

Violence and insulting language, p. 274, article 601.

Minors, p. 274, article 602.

Drivers and Driving—Continued.

- Negligence or want of skill, statute, pp. 275, 703, articles 603, 1798.
- Funerals, p. 365, articles 766, 767.
- Driving animals loose through street, p. 538, articles 1303, 1309.
- Exercising on certain streets, p. 537, article 1299.
- Crossing tracks in front of engine flagged, p. 703, articles 1796, 1797.
- Not faster than walk over certain bridges, p. 1154, article 3074.
- Drought, city authorized to open plugs, p. 1066, article 3127.
- Druggists (see "Medicine," etc.), p. 506.
- Mayor to select, p. 504, article 1251.
- Drugs, poisons, etc. p. 631, articles 1633-1636.
- Drunk and disturbing the peace, p. 548, article 1360.
- Dryades Street Market—
 - Exempted from certain provisions of market ordinance, p. 474, article 1162.
- Dump ground, p. 1067, article 2823.
- Dump wharf, p. 989, articles 2627-2629.
- Dump wharf, p. 1159, articles 3106-3111.
- Dump wharf, p. 1184, article 3184.
- Dust, cars to sprinkle, p. 275, articles, 604-606.
- East Louisiana Railroad Company—
 - Right of way, p. 767, articles 1821-1825.
- Edison's Electric Light Company—
 - Franchise and right of way, p. 285, articles 628-641.
- Education (see "Public Schools") p. 672.
- Elections—
 - Division into precincts, p. 276.
 - Commissioners, p. 276.
 - Manner and conduct of, p. 276.
 - Special elections, p. 278.
- Election days, sale of liquors, p. 243, article 1157.
- Electric Lights, p. 466.
- Electric Light and Power Companies—
 - Brush Electric Light and Power Company, p. 279, articles 607-615.
 - Louisiana Electric Light and Power Company, p. 281, articles 616-627.
 - Edison Electric Light and Power Company, p. 285, articles 628-641.
 - Algiers Ice Manufacturing Company, p. 289, articles 642-649.
 - Rights and franchises for Fifth District, p. 289, articles 642, 649.
 - Shutting off currents, p. 345, article 716.
 - To remove from Jameson Park, p. 606, articles 1549, 1550.

- Electric light poles, erection of, p. 632, articles 1637-1648.
Removed from Jameson Park, p. 606, articles 1549, 1550.
- Electric Motors—
Privilege granted Prudhomme, Hart and others, p. 291, article 650.
Privilege granted Jos. A. Walker et als., p. 291, article 651.
- Electric signals (see "Gates"), p. 379.
- Emergency cases—levees, p. 434.
- Employees—
Leave of absence, p. 294, article 652.
Nine hours labor, p. 294, article 653.
Transfers prohibited, p. 294, article 654.
Transfer, clerk abolished, p. 294, article 655.
Bonds of, p. 571, articles 1458-1460.
Transfers to be sworn to, p. 295, article 656.
Duty of Comptroller, p. 295, article 657.
Rolls, p. 295, article 658.
Payments semi-monthly, p. 295, article 659.
- Engineer, City (see "Surveyor"), p. 1098.
- Entertainments (see "Amusements," etc.), p. 89, articles 79, 112.
- Esplanade & Bayou Bridge Line railroad, p. 825, articles 2197, 2232.
Extension of franchise, p. 853, articles 2282, 2303.
- Esplanade Street—
Creating and appointing Board of Commissioners, p. 602, articles 1532, 1533.
Powers, p. 603, article 1534.
Additional improvements, p. 603, article 1535.
Plans and specifications, p. 603, article 1536.
- Estimates of supplies and material by heads of departments, statute, p. 570.
- Estrays (see "Pounds"), p. 665.
- Excavations, during certain periods, p. 390, article 844.
Not apply in certain cases, p. 390, article 845.
Penalty, p. 391, article 846.
Streets, p. 556, articles 1401-1404.
- Excavating companies (see "Vidangeurs").
- Executive (see "Mayor"), p. 503.
- Exhumation of human bodies (see "Health"), p. 385.
- Explosives (see "Combustibles," etc.), p. 293, articles 499-502.
- Expropriations, p. 296.
- Expenditures—
Limit, p. 110, article 168.
One-half rule, p. 110, article 170.
Limit of school, annual and monthly, p. 689.
- Extension and alteration of buildings in fire limits, p. 354, article 751.

Extortion in office, statute, p. 569.

Factories, Tanneries, etc.—

Permission of Council, p. 296, article 661.

Height of chimneys, p. 296, article 663.

Smoke and noise, p. 296, article 664.

Penalty, p. 297, article 665.

Privileges, p. 297.

False Alarms, p. 298, articles 666-672.

Statutes, pp. 335, 336.

Fast driving, p. 273, article 596.

Fire Department excepted, p. 346, article 718.

Fees—

Pound, p. 100, article 128.

Building, p. 169, article 295.

Contract with Constable, p. 299, articles 673-679.

Harbormaster's, p. 384.

Of counsel for officers of city government, p. 571, article 1455.

Females—

In concert saloons, p. 140.

Fences, Ditches and Walls—

Duty of owners, p. 300, article 680.

Repairs, p. 300, article 681.

Construction, p. 301, article 682.

To be made, p. 301, article 683.

Penalty for neglect, p. 301, article 684.

Disposition of fines, p. 301, article 685.

Posting advertisements, p. 557, articles 1405-1410.

Penalty, p. 557, articles 1409.

Ferries—

First, Second and Third Districts, p. 301, article 686.

Canal Street Landing, p. 301, article 686.

Contract and specifications of lease, p. 302.

Accepting bid of Thos. Pickles, p. 302, article 688.

Extending time of double service, p. 309, article 689.

Jackson Street Ferry—

Contract and specifications, p. 310.

Amendments to specifications, p. 316.

Napoleon Avenue—

Contract, and specifications, p. 318.

Pine Street—

Contract and specifications, p. 322.

Delery Street, p. 329, article 690.

General Ordinances—

Unlawful to keep and maintain, p. 330, article 691.

Penalty, p. 330, article 692.

Unlawful to smoke in cabins, p. 560, article 1423.

Acts of Legislature, p. 330.

Decisions, p. 330.

Fifth District—

- Providing electric lights, p. 289, articles 642-649.
- Regulating houses of prostitution, p. 459, article 1086.
- Providing waterworks, p. 1177, articles 3157, 3162.
- Wharves, p. 1231, articles 3339, 3341.

Filling lots, p. 183, articles 355, 356.

Filmore Square, changing name, p. 598, article 1511.

Finance Committee, contracts, p. 256, article 535.

Fines—

- Remission of, pp. 331, 972, articles 693, 2622.
- Diversion of, p. 331, article 694.
- Deductions, p. 331, article 695.
- Monthly returns, p. 331, article 697.
- Recorders' Courts, p. 971, article 2619.

Fink Fund, p. 77, articles 33-41.

Fire, p. 469, article 1137.

Firearms—

- Concealed, p. 544, article 1341.
- Sale to minors, p. 545, articles 1342-1343.
- Discharge in city limits, p. 545, article 1344.
- Discharge in Fifth District limits, p. 545 article 1346.

Fire Alarm and Police Telegraph (see "False Alarms and Fire Department").

- Superintendent, p. 334, article 698.
- Keys, statute, p. 335.
- Control and supervision, p. 335.
- Alterations and extensions, p. 336.
- Custody and control of keys, p. 336.
- Duties of person holding keys, p. 336.
- Use of keys, p. 336.
- Rewards, statute, p. 335.
- False alarms, p. 298, articles 666, 672.
- False alarms and penalty, statute, p. 335, 336.
- Enforcement of ordinance, p. 337.
- Keys in one's possession unauthorized, p. 337.
- Louisiana Auxiliary Fire Alarm Co., Limited, p. 338.
- National Fire Alarm Company, p. 337.

Fire Department (see "False Alarms, Fire Alarms and Police Telegraph)."

- Board of Commissioners, statute, p. 339.
- Fire District, p. 340.
- Vacancies on Board, p. 340.
- Removals, p. 340.
- Organization, p. 340.
- Duties of Commissioners, p. 340.
- Commissioners to provide tools, etc., p. 341.
- Powers of Commissioners, p. 341.
- Holder of political offices ineligible, p. 341.

Fire Department—*Continued.*

- To examine causes of fire, p. 341.
- Retention of present employees, p. 341.
- Estimates to be prepared, p. 342.
- Manner keeping accounts, p. 342.
- Bonds and duties of members, p. 342.
- Injured members, p. 342.
- Right of way to fire, p. 342.
- Selling of salaries prohibited, p. 343.
- Powers and duties of chief, p. 343.
- Charges against members, p. 343.
- Suspension of members, p. 343.
- Permission to handle apparatus, p. 343.
- Police powers, p. 344.
- Penalty for refusal to comply with orders, p. 344.
- Responsibility rests, where, p. 344.
- Order of rank, p. 344.
- Qualifications of members, p. 344.
- Leaves of absence, p. 344.
- Warrants, p. 344.
- Oath of office, p. 344.
- Discipline, p. 345.
- Exemption from jury and militia duty, p. 345.
- Fines and penalties, p. 345.
- Shutting off electric currents, p. 345, article 716.
- Telephone connection, p. 346, 1127, articles 717, 3014.
- Unlimited speed, p. 346, article 718.
- Exemption from penalties, p. 347, article 719.
- Right of way, p. 347, article 720.
- Access to water, p. 347, article 721.
- Access to water, statute, p. 347.
- Penalty, p. 347, article 722.
- Duty of police during fire, p. 348, article 723.
- Engine not to run on sidewalks, p. 348, article 724.
- Penalty, p. 348, article 725.
- Demolition of buildings, p. 348, article 726.
- Iron shutters, p. 349, article 727.
- Penalty, p. 349, article 728.
- Device for opening shutters, p. 349, article 730.
- Other ordinances, p. 349.

Fire Escapes—

- Steam pipes, p. 350, article 731.
- Metallic ladders, p. 350, article 732.
- Notice to owners and agents, p. 350, article 732.
- Failure to comply, p. 351, article 733.
- Duty of Mayor, Chief Engineer, p. 351, article 734.
- Act 105 of 1877, p. 351.

Fire Limits—

Unlawful to erect buildings except with walls of brick or other non-combustible material in certain limits, p. 351, article 736.

Limits, p. 352, article 736.

Fourth District, p. 352, article 737.

Fifth District, p. 352, article 738.

Plank roofs—consent of Council, p. 352, article 740.

Unlawful to erect building without fireproof roof, p. 353, article 741.

Removal of buildings, p. 353, article 742.

Ladders, p. 353, article 743.

Penalty, p. 353, articles 744, 745.

Duty of police, p. 354, article 746.

Frame buildings in Third District, p. 354, article 748.

Unlawful to erect certain buildings, p. 354, article 749.

Buildings four or more stories, p. 354, article 750.

Alterations, extensions, etc., p. 354, article 751.

Permits, p. 355.

Amendments, p. 359, articles 754-756.

Firemen's Cemetery, Fifth District, p. 201, article 409.

Fireproof materials (see "Buildings"), p. 182, article 351.

Fire Sales—

Duty of Treasurer and Mayor, p. 359, article 752.

Fiscal Agent (see "City Charter").

Fish (see "Animals, Offences")—

Unlawful to kill certain fish during spawning season, pp. 359, 543, articles 757, 1332.

Penalty, pp. 360, 543, articles 759, 1334.

Unlawful to haul seine, net, etc., p. 360, articles 759.

Penalty, p. 360, article 759.

Fisk Fund, p. 80, articles 42-52.

Flatboats and barges, p. 1215.

Flat wheels on cars, p. 704, articles 1805, 1806.

Fleitas, F. B., grant of sugar sheds to, p. 1091, articles 2893-2904.

Florists at markets, p. 482, article 1196.

Flour, unlawful throwing, p. 548, article 1359.

Flour, inspection of, p. 360.

Flow of water, obstructing, p. 390, article 843.

Flumes, rice, p. 989, article 2631.

Fecal matter, disposal of, p. 1159, articles 3104, 3125.

Food—

Adulterated, p. 385, article 819.

Adulterated, statute, p. 409.

Tainted, p. 393, article 860.

Unwholesome food in markets, p. 477, article 1173.

Forges, Foundries and Blacksmiths—

Permission of Council, pp. 361, 1011, articles 761, 2694, 2703

Construction, p. 361, article 762.

Consent of property owners, 361, article 763.

Penalty, p. 361, article 764.

Repealing certain ordinances, p. 361, article 765.

Privileges, p. 361.

Forwood, T. & G., wharf privileges, p. 1091, articles 2893-2904.

Foundries, pp. 361, 1011, articles 761, 765, 2694, 2702.

Franklin Street—

Neutral ground, p. 530, article 1274.

Appointing Board of Commissioners, p. 603, article 1537.

Powers, p. 603, article 1538.

Frederick, Albert, lease lot No. 10, West End, p. 453, articles 1065, 1066.

Fruits and Vegetables—

Time of washing, in markets, p. 478, article 1176.

Sale from stores, p. 481, article 1194.

Full Stops—

Crossing steam railroad crossings, p. 705, articles 1808, 1809.

Not to apply to crossings with gates, p. 705, article 1810.

At all railroad crossings, p. 707, article 1820.

Funerals—Duty of drivers, p. articles 365, 766, 767.

Gambling prohibited, pp. 537, 538, articles 1411, 1412.

Game—

Wild duck, p. 104, articles 152, 153.

Deer, buck or fawn, p. 105, article 155.

Hare or rabbit, p. 105, article 156.

Quail or partridge, p. 105, article 157.

Grosbeque or night heron, p. 105, article 158.

Rail or marsh hen, p. 105, article 159.

Song birds, p. 105, article 160.

Grassé, lark or caille, papabot, p. 106, article 161.

Migratory birds, p. 106, article 162.

Wild beasts, p. 106, article 163.

Penalty, p. 106, article 164.

Fish, p. 359, articles 757, 760.

Garbage—

Advertisement, p. 370, article 769.

Deposit, p. 370, article 770.

Districts, p. 371, article 771.

Garbage defined, p. 372, article 772.

Unlawful to mix, p. 372, article 772.

Notice to occupants, p. 372, article 773.

Duty of contractor, p. 372, article 774.

Street pilings, p. 373, article 775.

Hours of collection, p. 373, article 776.

Duty of Commissioner of Public Works, p. 373, article 777.

Garbage—Continued.

- Inspection and supervision, p. 374, article 778.
- To collect daily, p. 374, article 779.
- City to be protected, p. 374, article 780.
- Complaint, p. 374, article 781.
- Penalty, p. 375, article 781.
- Duty of Mayor, p. 375, article 782.
- Metallic water-tight boxes, p. 375, article 782.
- Unlawful for others to collect, p. 375, article 783.
- Penalty, p. 375, article 783.
- Bond, p. 376, article 784.
- Contractor to be ready in one year, p. 376, article 785.
- Compensation, p. 376, article 786.
- Acceptance Southern Chemical and Fertilizing Company,
p. 377, article 788.
- Schleider system adopted, p. 377, article 789.
- Sale of garbage boats, p. 377, article 790.
- Garbage wharves, p. 377, article 791.
- Duty of Commissioner Public Works, p. 377, article 792.
- Notice of non-removal, p. 378, article 793.
- Investigation of complaints, p. 378, article 794.
- Duty of garbage contractor, p. 378, article 795.
- Deductions, p. 378, article 796.
- Rules and Regulations, p. 378, article 797.
- Take effect when, p. 378, article 798.
- Unlawful to pick or disturb contents garbage cans, p. 378,
article 799.
- Penalty, p. 379, article 800.

Gas Companies, p. 366, article 768.

Gates—

- Elysian Fields street, p. 379, articles 801-807.
- N. and S. Poydras street, p. 380, article 808.
- At all steam railroad crossings, p. 381, article 809.
- To be erected within sixty days, p. 381, articles 811-812.
- Ordinance No. 4164, C. S., not to apply to crossings with,
p. 705, article 1810.

Gentilly Avenue—

- Board of Commissioners, p. 604, article 1539.
- Appointment and Commissioners, p. 604, article 1540.

Gimlet knives, sale of, p. 546, articles 1348, 1349.

Girod, Nicholas, fund, p. 82, articles 53-58.

Glove Contests—

- Prize fights prohibited, p. 95, article 106.
- Permitted in regularly chartered clubs, p. 95, article 107.
- Donations to city and penalty, p. 95, article 107.

Goats—

- Nuisance, p. 101, article 135.
- Running at large, p. 101, article 136.

Goats—*Continued.*

Impounding and selling, p. 102, article 137.

Pound fees, p. 102, articles 140-142.

Gongs, prohibited on vehicles, p. 540, articles 1317-1318.

Grade—

Of lots, p. 177, article 328.

Of gutters, p. 1062, articles 2801-2806.

Of streets, p. 1047, articles 2739-2765.

Of sidewalks, p. 1070, articles 2838-2843.

Grain elevator (see "Wharves").

Graveyards (see "Cemeteries"), p. 196, articles 380-418.

Grass on sidewalks, p. 566, articles 1453, 1454.

Great Southern Telegraph and Telephone Company—

Contract for fire department, p. 1127, articles 3013-3014.

Groceries, sale in streets by retail prohibited, p. 563, article 1438.

Ground Rents—

Right to purchase, p. 382, articles 813, 814.

Mayor to raise mortgage, p. 503, article 1248.

Guide posts on wharves, p. 1185, article 3187.

Gunpowder, p. 239, articles 479-484.

Gutters—

Across banquettes, p. 180, article 342.

Obstructing flow of water in, pp. 390, 843, articles 1078-2871.

Grade of, p. 1062, articles 2801-2806.

Obstruction by builders, p. 1077, article 2868.

Street Commissioner to enforce ordinance, p. 1077, article 2869.

Lines and levels, p. 1077, article 2870.

Private drains, p. 1078, articles 2875-2876.

Handy, Thomas H.—Lease lot, West End, p. 452, articles 1062-1064.

Harboring vagrants and idle persons, p. 1141, articles 3049-3055.

Harbormasters, Board of, Statute—

Appointment, terms and removal, p. 382.

Bond and security, p. 382.

Duties, fees, etc., p. 383.

Office, clerks and deputies, p. 384.

Other duties, charges, etc., p. 384.

Harrison, Dan. C.—Lease lot No. 18, West End, p. 449, articles 1048, 1050.

Hart, Judah—Railroad No. 1, p. 926, articles 2526-2529.

Right of way and specifications.

Hart, Judah—Railroad No. 2, p. 930, articles 2540-2573.

Right of way and specifications.

Hay (see "Combustibles"), p. 244, article 502.

Health—

Filling lots and building, p. 178, article 331.

Health—Continued.

- Duty of Recorder of Births, Deaths and Marriages, p. 201, article 407.
- Inspection of garbage works, p. 374, article 778.
- Introduction of hides, p. 385, article 816.
- Sale of putrid meats and vegetables, p. 385, article 817.
- Penalty, p. 385, article 818
- Adulterated food, p. 385, article 819.
- Sale of poison, p. 385, article 820.
- Soap boilers, foul and offensive matter, p. 386, article 821.
- Sale of milk, p. 386, articles 822-833.
- Adulteration of molasses, p. 388, articles 834-839.
- Offensive or injurious matter, p. 389, article 840.
- Administrator of police to remove offensive matter, p. 390, article 841.
- Cleanliness of slaughterhouses, p. 390, article 842.
- Obstructing flow of water, p. 390, article 843.
- Unlawful to make excavations, p. 390, articles 844-846.
- Exceptions, p. 390, article 845.
- Dumping garbage, p. 391, article 847.
- Building lots to be filled, p. 391, article 848.
- Permits to build, p. 391, article 849.
- House sills, p. 391, article 850.
- Water supply, p. 391, articles 850-852
- Buildings declared uninhabitable, p. 391, article 851.
- Covers for cisterns, p. 392, article 853.
- Committing nuisances, p. 392, article 854.
- Throwing in river, p. 392, article 855.
- Fees for permits, p. 392, article 856.
- Complaints, p. 392, article 857.
- Resisting officers, p. 392, articles 858-859.
- Adulterated or tainted food, p. 393, article 860.
- Inspection of cattle, p. 393, article 861.
- Landing diseased cattle, p. 393, articles 862, 863.
- Dead animals, p. 394, article 864.
- Stagnant water, p. 394, article 865.
- Filling lots with manure, p. 394, articles 866, 867.
- Hours for closing crab and shrimp stands, p. 394, article 868.
- Peddling prohibited, p. 394, articles 869-870.
- Use of closed building, for sale of fish, etc., p. 395, article 871.
- Blowing meat, p. 395, article 872.
- Blowing of animals over fifteen months old p. 395, articles 873-874.
- Contagious Diseases—
 - Parents, tutors, etc., p. 395, article 875.
 - Visiting person afflicted, p. 396, article 876.

Health—Contagious Diseases—*Continued.*

- Clothing, linen, etc., p. 366, article 877.
- Public funerals prohibited, p. 396, article 878.
- Coroners and drivers, conveying, p. 396, article 869.
- Duty of teachers, etc., p. 397, article 880.
- Not allowed to attend school, p. 397, article 881.
- Infections, contagious and pestilential diseases defined, p. 397, article 882.
- To prevent spread of by children, p. 400, article 892.
- Diseases to be reported, by whom, p. 400, article 893.
- Parents to notify principals of schools, p. 400, article 894.

Dead Bodies—

- Exposure of dead bodies, p. 397, article 883.
- To be interred within twenty-four hours, p. 398, articles 884-885.
- Coroners and medical practitioners to report, p. 399, article 891.

Dead Animals—

- Product of, p. 398, article 886.
- Proprietors to cause removal, p. 398, articles 887-888.
- Removal, p. 399, article 889.
- Animals sick with contagious diseases removal to, p. 401, articles 895, 896.
- Animals with glanders, p. 401, article 897.
- Care and treatment of infectious diseases, p. 402, article 899.

Removal of persons to hospital, p. 402, article 900.

Expenses, p. 402, article 901.

To regulate access to or egress from contagious and infectious diseases, p. 402, article 902.

Right to disinfect clothing, p. 402, article 903.

Board of Health, Statute—

- Organization, powers and duties, p. 403.
- Births, deaths and marriages, p. 406.
- Adulteration of food, statute, p. 409.

Heinrich, J. H., bid accepted, p. 486, article 1209.

Hides, introduction of, p. 385, article 816.

Hogs, p. 103, article 143.

Holt Cemetery, p. 202, article 410.

Hospitals—

- Removal of persons with small-pox or other infectious disease, p. 402, article 900.
- Expense, p. 402, article 901.
- Permission of Council, p. 409, article 918.
- Charity Hospital, statute, p. 410.
- Small-pox Hospital, p. 415, articles 919, 921.
- Leprosy Hospital, statute, p. 416.

Hotels and Boarding-houses—

- Slops and offal, p. 420, article 933.
- To deposit in river, p. 420, article 934.
- Penalty, p. 421, article 935.
- Act for protection of Hotel Keepers, p. 421.

House of Refuge—

- Mayor to appoint board, p. 418, article 922.
- Organization, p. 418, article 923.
- Rules and regulations, p. 418, article 924.
- Reports, p. 418, article 925.
- Inspection, p. 419, article 926.
- Appointment of officers, etc., p. 419, article 927.
- Juvenile vagrants, p. 419, article 928.
- Terms of commitment, p. 419, article 929.
- Charge of buildings, p. 420, article 931.
- Use of certain property, p. 420, article 932.

House Numbers—

- Decimal system, p. 422, article 936.
- Plan and manner of numbering, p. 422, articles 937-943.
- Odd and even numbers, p. 422, articles 944-946.
- Where and how placed, p. 423, article 947.
- Number to be selected by Council, p. 423, article 948.
- Contractor to place numbers, p. 423, article 949.
- Notice to owners, p. 423, articles 950, 951.
- Collection of bills, p. 424, article 952.
- Original numbers to be removed, p. 424, article 953.
- Unlawful to renumber, p. 424, article 954.
- Charts and record, p. 424, article 955.
- Duty of City Engineer, p. 424, article 956.
- Repealing clause, p. 424, article 957.

Houses, vacant, to keep doors and entrances closed, p. 555, articles 1396-1398.

Harrison, Dan C., lease lot 18, West End, p. 449, articles 1048-1050.

Heinrichs, J. H., bid accepted, p. 486, article 1209.

Ice boxes, in markets, p. 477, article 1174.

Idle persons (see "Vagrants"), p. 1142, articles 3054-3055.

Illinois Central Railroad Company—

- Right of way, p. 708, articles 1826-1874.
- Electric signals, p. 700, article 1782.
- Wharf privileges, p. 1197, articles 3238-3244.
- Wharf privileges, p. 1204, articles 3262-3266.

Impeachment and Removal—

- City officers, p. 425, article 958.
- Committees, p. 425, article 959.
- Court of impeachment, p. 425, article 960.
- Order of proceedings, p. 425, article 961.
- Judgments, p. 426, article 962.
- How removed, p. 426, article 963.

Improvements—

Street, p. 1054, articles 2773-2793.

Sidewalks, p. 1075, articles 2860-2864.

Indecent language, p. 547, article 1356.

Indecent exposure of person, p. 550, articles 1373-1375.

Indecent exposure while bathing, p. 551, articles 1376-1377.

Indigent Dead and Insane—

Unlawful to bring into city, p. 426, article 964.

Penalty for so doing, p. 426, article 965.

Arrangement with Louisiana Retreat, p. 426, articles 966-969.

Infectious diseases (see "Health"), p. 395, articles 875-903.

Insane asylum, p. 74.

Insane persons, p. 74.

Inspection and Supervision—

Of boilers, p. 427.

Of cattle, p. 393, article 861.

Of garbage carts, p. 374, article 778.

Of slaughterhouses, p. 993, article 2642.

Of weights and measures in markets, p. 480, article 1184.

Of weights and measures, p. 1244.

Inspector of Banquettes, p. 1070.

Of weights and measures, p. 427, 1244.

Institutions, public (see "Almshouse," etc.).

Insurance, city property, p. 427, articles 970, 971.

Property purchased for taxes, p. 662, 1108, articles 1733-2958.

Interest on taxes, p. 1100, articles 2919, 2968.

Interments (see "Cemeteries"), p. 196, articles 380, 418.

Intersections (see "Railroads," "Streets").

Banquettes, p. 1074, 2854.

Intoxication and disturbing the peace, p. 548, article 1360.

Israel, E. L., lease of grounds, West End, p. 452, articles 1057-1061.

Israelite Charitable Association Cemetery, p. 202, article 411.

Itinerant vendors of drugs (see "Medicine"), p. 506.

Jackson Square—

Creating Board of Commissioners, p. 604, article 1540.

Powers of, p. 604, article 1541.

When to assume control, p. 605, article 1542.

Objects, p. 605, article 1543.

Rights reserved city, p. 605, article 1544.

Ordinance construed, p. 605, article 1545.

Jails (see "Prisons and Jails"), p. 648.

Jamison Park—

Location, p. 606, article 1546.

Mayor to appoint commissioners, p. 606, article 1547.

Repealing clause, p. 606, article 1548.

Electric poles to be removed, p. 606, article 1549.

City Engineer to have removed, p. 1550.

Jefferson Gas Light Company—

- Compromise with city, p. 366, article 768.
- Compensation, p. 366, article 768.
- Lamps moved, p. 366, article 768.
- To discontinue all suits, p. 366, article 768.
- Waiver of payments, p. 366, article 768.
- Extra lights, p. 366, article 768.
- Incorporation, statute, p. 367.
- Amended act, statute, p. 366.
- Contract with city of Jefferson, p. 366.
- Decisions, p. 366.

Jefferson Park—

- Location, p. 606, article 1551.
- Mayor to appoint Commissioners, p. 606, article 1552

Jefferson, Tunisburg and, Railroad—

- Right of way, p. 919, articles 2491, 2525.

Joints, opium, unlawful, p. 577, article 1478.

Judah Hart Railroad—

- No. 1, right of way, p. 926, articles 2526, 2539.
- No. 2, right of way, p. 930, articles 2540, 2573.

Judgments—

- Duty of City Attorney and assistants, p. 119, articles 206, 207.
- Of impeachment and removal, p. 426, article 962.
- Moneys recovered by, p. 428, article 972.
- Written statement by City Attorney, p. 428, article 973.

Jury and jury commissioners, p. 429.

Juvenile vagrants, p. 1141, articles 3050-3053.

Keegan, J. J., R. B. Benton and privilege, p. 1161, articles 3115-3120.

Keepers—

- Of archives, p. 428, article 974.
- Of court house, p. 429, articles 975-980.
- Of morgue, p. 509, article 1261.
- Of pounds, p. 99, 668, article 124, 1752.
- Duties of, pp. 99, 667, articles 126, 1747.

Keller market, p. 492, article 1237.

Keys—

- Of fire alarm and police telephone, p. 335.
- Duties of holders of, p. 336.
- Use of, p. 336.
- Unauthorized possession of, p. 337.

Kilns, ovens and, privileges, p. 583.

Knives, gimlet, sale of, p. 546, articles 1348-1349.

Labor and Laborers—

- Nine hours, p. 294, article 653.
- To be residents of ward, p. 430, article 981.
- Employment of residents by contractors, p. 430, article 982.

Labor and Laborers—*Continued.*

Penalty, p. 430, article 983.

Bond, p. 430, article 984.

Part of contract, p. 431, article 985.

Prison, p. 649, articles 1684, 1686.

Parish prison, p. 652, article 1690.

Labor Agencies, statute, p. 431.

Ladders—

Metallic, fire escapes, p. 350, article 732.

For frame buildings, p. 353, articles 743-745.

Lands and Levees—

Creating Orleans Levee District, p. 432.

Gaps and openings, p. 436, article 987.

Penalty for cutting without permission, p. 437, article 989.

Protection Levees—

Cutting gaps, p. 436, article 986.

Carrollton, p. 437, article 993.

Levees—

Grazing on, p. 438, article 995.

Penalty, p. 438, article 996.

Rafts, vessels or boats, p. 438, article 998.

Digging prohibited, p. 438, article 999.

Mooring posts, p. 438, article 999.

Caving banks, p. 439, article 1000.

Penalty, p. 439, article 1001.

Duty of wharfinger, p. 439, article 1002.

Not to encumber with sand, p. 439, article 1003.

Not to damage, p. 439, article 1004.

Penalty, p. 439, article 1005.

Duty of wharfinger, p. 439, article 1006.

Obstructions on levee front, p. 439, article 1007.

Commission of Public Works to remove, p. 440, article 1008.

Commission of Public Works to remove squatters, p. 480, article 1009.

Batture, p. 441, articles 1012-1020.

West End Revetment Levee—

Privileges to N. O. City & Lake Railroad, p. 443 article 1021.

Exclusive use, p. 443, article 1022.

Conditions, p. 443, article 1023.

Rights inside revetment, p. 444, article 1024.

Revocation of rights to others, p. 444, article 1025.

Reversion to city, p. 444, article 1026.

Lake Shore—

Privileges revoked, p. 445, articles 1027-1032.

Erection of buildings, p. 445, article 1028.

Levees—Lake Shore—*Continued.*

Transfer of permits prohibited, p. 445, article 1029.

Survey of, p. 445, articles 1030-1031.

Southern Yacht Club, p. 446, articles 1033-1035.

Lease of lots, p. 446, article 1034.

Reservation by City, p. 447, articles 1038-1040.

Privileges on Lake Shore—

Riverside Rowing Club, p. 447, article 1041.

John Schneckenberger, p. 447, article 1042.

G. C. Bohne, p. 448, article 1045.

Daniel C. Harrison, p. 448, article 1048.

T. Bruning, p. 450, article 1051.

Jean Prat, p. 451, article 1054.

E. L. Israel, p. 452, article 1057.

E. S. Bowman, p. 453, article 1067.

Michael Carroll, p. 454, article 1070.

Acts of Legislature—

Rights of riparian owners, p. 455.

Decisions, p. 455.

Lafayette Square—

Appointment of Commissioner, p. 624, article 1628.

Franklin statue, p. 624, article 1629.

Protection of monument, etc., p. 624, article 1630.

Lamps and posts, defacing, p. 562, article 1434.

Landings (see "Wharves"), p. 1186, articles 3194-3227.

Language, indecent, p. 547, article 1356.

Lease of wharves, p. 1214, articles 3289-3345.

Leave of Absence—

City employees, p. 294, article 652.

Fire department, p. 344.

Lee Place—

Dedication, p. 611, article 1575.

Lee monument, p. 612, article 1576.

Name, p. 612, article 1577.

Legacies (see "Almshouses," etc.), p. 67.

Leprosy, statute, p. 416.

Levees (see "Lands and Levees"), p. 432.

Levee Board (see "Lands and Levees"), p. 432.

Levee and Barracks line—

Franchise, p. 821, articles 2182. 2196.

Extension, p. 852, articles 2280-2303.

Lewd Women—

Not to stand on sidewalks, p. 457, article 1074.

Not to frequent saloons, p. 457, article 1075.

Subject to police surveillance, p. 457, article 1076.

City limits, p. 458, article 1077.

Unlawful to reside outside limits, p. 458, article 1078.

Houses of prostitution, limits, p. 458, article 1079.

Lewd Women—Continued.

- Agents or owners renting rooms outside of limits, p. 458, article 1080.
- Notice by Mayor to quit, p. 458, article 1081.
- Mayor authorized to close houses, p. 459, article 1082.
- Penalty, p. 459, article, 1083.
- Separate offences, p. 459, article 1084.
- Excepting certain localities, p. 459, article 1085.
- Limits Fifth District, p. 459, article 1086.
- Duty of police, p. 460, article 1087.
- Renting rooms, etc., in violation of ordinance, p. 460, article 1088.
- Canal street, p. 460, articles 1091-1094.
- Duty of Mayor, p. 461, article 1095.

Liberty Place—

- Boundaries, p. 612, article 1578.
- Commissioners and their powers, p. 613, articles 1579, 1580.

Library—

- Dedicating Criminal Court to use of Library, p. 461, article 1096.
- City Engineer to prepare plans, etc., p. 461, article 1097.
- Repealing certain ordinances providing for sale of building, p. 461, article 1898.
- Under control of Mayor, p. 462, article 1099.
- Librarian, p. 462, article 1100.
- Hours of opening and closing, p. 462, article 1101.
- Assistant Librarian, p. 462, article 1102.
- Consolidating Libraries First, Second, Third and Fourth Districts, p. 462, article 1104.
- Juvenile department, p. 462, article 1105.
- Free to teachers, p. 462, article 1106.
- Subscribers, p. 462, article 1107.
- Moneys received, p. 462, article 1108.
- Appropriations, p. 463, article 1109.
- Life membership, p. 463, article 1110.
- Linton-Surget Library or Hall, p. 463, articles 1111-1112.

Librarian, p. 462, article 1100.

- Assistant, p. 462, article 1102.

License—

- Barrooms, p. 136, article 238.
- Transfers, p. 136, article 241.
- Music saloons, p. 137, article 247.
- Post in conspicuous place, p. 464, article 1113.
- Duty of police, p. 465, article 1114.
- Duty of City Attorney, p. 465, article 1115.
- Duty of Assistant City Attorney, p. 465, article 1116.
- Contracts with Constable, p. 465, article 1117.
- Fees to be paid out of judgment, p. 466, article 1119.

License—Continued.

Cost to be paid if time granted, p. 466, article 1120.

Cost to be paid if license paid to Treasurer, p. 466, article 1121.

Contract not to apply prior to July 5, 1895, p. 465, article 1122.

Mayor authorized to contract, p. 466, article 1123.

Mayor authorized to relieve, when, p. 504, article 1250.

Plates, illegal use of, p. 541, articles 1319-1321.

Plates for vehicles, pp. 670, 1147, articles 1759, 3057-3062.

Lights—

Masking (see "Awnings," etc.), p. 128, article 211.

Shutting off electric currents, p. 345, article 716.

Compromise with Jefferson Gas Company, p. 366, article 768
Red, p. 563, article 1439.

Vehicles, pp. 1148-1157, articles 3063-3064-3096.

Lighting city—

Advertisement, p. 466, article 1124.

Bidders, p. 467, article 1125.

Deposits, p. 467, article 1126.

Lamps, where suspended, p. 467, article 1127.

Means of suspension, p. 467, article 1128.

Height of suspension p. 467, article 1129.

Poles, p. 467, article 1130.

Light power, p. 468, article 1131.

Illumination, p. 468, article 1132.

Burners, p. 468, article 1133.

Cleaning, p. 468, article 1134.

Poles replaced, p. 468, article 1135.

Hours of lighting, p. 468, article 1136.

Candle power to be tested by City Surveyor, p. 468,
article 1137.

Fires, p. 469, article 1137.

Currents, p. 469, article 1138.

Wires and their insulation, p. 469, article 1139.

Contractor's duty, p. 469, article 1140.

Material and labor, p. 469, article 1141.

Inspection by committee, p. 470, article 1142.

Failure to fulfil contract, p. 470, article 1143.

Construction and repairs, p. 470, article 1144.

Lamps out, p. 470, article 1145.

Duty of Commissioner of Police and Public Buildings
p. 470, article 1146.

Towers, p. 471, article 1147.

Bond, p. 471, article 1148.

Rights, p. 471, article 1149.

Accepting bid of Louisiana Electric Light Company,
p. 471, article 1150.

Lights—Continued.

Authorizing Mayor to contract with, p. 471, article 1151.

Return of deposit, p. 471, article 1152.

On towers, p. 1139, article 3046.

Lime—

Not to store, etc., p. 472, article 1153.

How stored, p. 472, article 1154.

Penalties, p. 472, article 1155.

Surveyors to inspect, p. 472, article 1156.

Limits, fire, p. 351, articles 736-751.

Pound, p. 666, article 1742.

*Lines of streets, p. 1046, articles 2735-2738.**Literature, obscene, p. 551, articles 1378-1380.**Liquors, sale of—*

Election day, p. 473, article 1157.

On vessels, p. 473, article 1158.

Penalty, p. 473, article 1158.

United States soldiers, p. 136, article 242.

Prohibited in markets, p. 479, article 1181.

*Load, what constitutes, p. 1149, article 3066.**Locust Grove Cemetery, p. 202, articles 412-413.**Lots--*

To be raised, p. 177, article 326.

Permit from City Engineer, p. 177, article 327.

Grade of, p. 177, article 328.

Bond to fill, p. 177, article 329.

Powers of Board of Health, p. 178, article 331.

To be filled, p. 391, article 848.

Permit to build, p. 391, article 849.

Filling with manure, p. 394, articles 866-867.

Lotteries—

Unlawful sale of tickets, pp. 473, 553, articles 1160-1387.

Penalty, p. 553, article 1161.

Acts of Legislature, p. 474.

Louisiana Avenue—

Board of Commissioners, p. 606, article 1553.

Terms of appointment, p. 607, article 1554.

Powers of board, p. 607, article 1555.

Commissioners prohibited from having interest in contracts,
p. 607, article 1556.

Donations, p. 607, article 1557.

Unlawful to place wood, etc., on, p. 608, article 1558.

Penalty, p. 608, article 1559.

Not to interfere with railroads, p. 609, article 1560.

Repealing clause, p. 609, article 1561.

Louisiana Auxiliary Fire Alarm Company, Limited—

Franchise and right of way, p. 338, articles 711-715.

- Louisiana Construction and Improvement Company--
 - Lease of wharves, p. 1214, articles 3289-3316.
- Louisiana Electric Light and Power Company--
 - Franchise and right of way, p. 281, articles 616-624.
 - Plant to Charity Hospital, p. 284.
 - Use of public grounds, p. 284, articles 625-627.
 - Contract for lighting city, p. 466, articles 1124-1149.
 - Accepting bid of, p. 471, article 1150.
- Louisiana Hose Company--
 - Sale of certain property, p. 663, article 1736.
- Louisiana Retreat--
 - Care of insane, p. 426, articles 964-969.
- Louisiana Scientific and Agricultural Association, p. 594, articles 1500-1501.
- Louisville & Nashville Railroad--
 - Right of way, etc., p. 720, articles 1875-1906.
 - Wharf privileges, p. 1201, articles 3253-3266.
- Lounging--
 - On stalls in markets, p. 477, article 1172.
 - In parks, squares, etc., p. 564, article 1443.
- Lower City Park--
 - New Orleans Park Improvement Association, p. 597, article 1502.
 - Government, management, etc., p. 597, article 1503.
 - Donations, p. 597, article 1504.
 - Rules and regulations, p. 597, article 1505.
 - Penalty for their violation, p. 597, article 1506.
 - Duty of City Engineer, p. 598, article 1507.
 - Places of public resort, p. 598, article 1508.
 - Repealing clause, p. 598, article 1509.
- Luggers--
 - Landing, p. 1192, articles 3220-3221.
- Lumber and Timber, p. 1192, article 3222.
- Macarthy Square, appointing commissioners, p. 613, article 1581.
- Machine shops and foundries, p. 361, articles 761-765.
 - Privileges, p. 509.
- Magazine and Lowerline street line--
 - Right of way, p. 876, articles 2340-2366.
 - Extension 50 years, p. 887, articles 2371-2393.
- Magnolia bridge, repairs, p. 712, article 1841.
- Malicious mischief, p. 557, article 1394.
- Manholes, p. 657, article 1708.
- Manure, removal through streets, p. 562, article 1433.
- Maps, surveys and, property of city, p. 1100, article 2917.
- Margaret Place--
 - Board of commissioners, p. 613, article 1582.
 - Powers of, p. 613, article 1583.
 - To assume control, p. 613, article 1584.

Margaret Place—Continued.

- Object of ordinance, 614, article 1585.
- Rights reserved city, p. 614, article 1586.
- Common to all, p. 614, article 1587.
- Enclosing banquettes, p. 614, article 1588.
- Additional grants, p. 615, articles 1589-1593.

Marie, Jean, behest, p. 72, article 32.

Markets—**Public—**

- Crab and shrimp stalls, hours of closing, p. 394, article 868.
- Charges for stalls, etc., p. 474, article 1162.
- Dryades market excepted, p. 474, article 1162.
- Stalls to be returned in good condition, p. 475, article 1163.
- Sale of meats, fish, etc., p. 475, article 1164.
- Centre aisles for sale of meat, p. 475, article 1165.
- Side aisles for sale of fish, etc., p. 476, article 1166.
- Signs, p. 476, article 1167.
- Opening and closing of, p. 476, article 1168.
- Cleanliness, p. 476, article 1169.
- Not permitted to occupy more than one stall, p. 476, article 1170.
- Commissioner of Public Buildings to keep register, p. 477, article 1171.
- Lounging on stalls, p. 477, article 1172.
- Unwholesome food, p. 477, article 1173.
- Sale of corned beef, p. 477, article 1174.
- Ice boxes, p. 477, article 1174.
- Stands, tables, etc., p. 478, article 1175.
- Covered tubs for refuse, p. 478, article 1176.
- Time of washing fruits and vegetables, p. 478, article 1177.
- Sale of oysters prohibited, p. 478, article 1178.
- Fires, p. 478, article 1179.
- Collection of dues and revenues, p. 478, article 1180.
- Sale of intoxicating liquors prohibited, p. 479, article 1181.
- Peddlers, p. 479, article 1182.
- Dry air refrigerators, p. 479, article 1183.
- Disposal of offal, p. 479, article 1184.
- Cleaning stalls, p. 479, article 1184.
- Time of leaving market, p. 480, article 1184.
- Weights and measures, p. 480, article 1185.
- Wagons for vegetables, p. 480, article 1186.
- No sales outside of market, p. 480, article 1187.
- Empty boxes and barrels, p. 481, article 1188.
- Tops of stalls, p. 481, article 1189.

Markets, Public—Continued.

- Time of bringing fresh meat, p. 481, article 1190.
- Ordinance to be posted, p. 481, article 1191.
- Penalty for violation of bid, p. 481, article 1192.
- Separate offences, p. 481, article 1193.
- Sale of fruits, etc., from stores, p. 481, article 1194.
- Florists, p. 482, article 1196.
- Altering, changing and removing markets, p. 482, article 1197.
- Claiborne market, p. 482, article 1198.
- Sale of revenues, p. 483, article 1200.
- Payments, p. 483, article 1201.
- Repairs, p. 484, article 1202.
- Forfeiture for non-payment, p. 484, article 1203.
- Tombolas in vicinity of prohibited, p. 563, articles 1435-1436.
- Lease of revenues not transferable, p. 485, article 1204.
- Notarial contract, p. 485, article 1205.
- Stipulations, p. 485, article 1205.
- Police contract, p. 485, article 1206.
- Repealing clause, p. 485, article 1207.
- Ordinance as amended to remain in force, p. 486, article 1208.
- Accepting bid of J. H. Hinrichs, p. 486, article 1209.
- Repealing Ordinance 5587, C. S., p. 486, article 1210.
- St. Mary Market, p. 486, articles 1211-1215.
- Prytania Street Market, p. 487, article 1216.
- Rocheblave Market, p. 488, articles 1217-1226.
- Second Street Market, p. 490, articles 1227-1228.
- Carrollton Market, p. 490, articles 1229-1230.
- Washington Avenue Market, p. 491, articles 1231-1236.
- Keller Market, p. 492, article 1237.
- Sixth District Market, p. 492, articles 1238-1239.

Private—

- Unlawful to establish, when, p. 493, article 1240.
- Construction, p. 493, article 1241.
- Hours of opening, cleanliness and inspection, p. 493, article 1241.
- Limits, p. 493, article 1242.
- License and certificate of City Engineer, p. 493, article 1243.
- Penalty for violation, p. 493, article 1244.
- Repealing clause, p. 493, article 1245.
- Act 116 of 1888, regulating, p. 494.
- Decision, p. 494.
- Privileges to persons to operate private markets, p. 495.

Master and Wardens, statute—

- Their appointment, duties, etc., p. 499.
- Decisions, p. 502.

Mayor—

- Inspect theatres and places of public resort, p. 91, article 86.
- Cock pits, p. 94, article 101.
- Closing public resorts, p. 91, article 88.
- Regulating balls, p. 94, article 100-102.
- Record of bakeries, p. 130, article 220.
- Regulating assize of bread, p. 133, articles 225, 226.
- To appoint special officers for Society for Prevention of Cruelty to Animals, statute, p. 109.
- Duty as to fire escapes, p. 351, article 734.
- Duty as to removal of garbage, p. 375, article 782.
- To appoint Board of House of Refuge, p. 418, article 922.
- Regulating houses of prostitution, p. 458, articles 1081-1095.
- To contract with constables for collection of license, p. 466, article 1123.
- Copies of ordinances, p. 503, article 1246.
- City seal, p. 503, article 1247.
- To raise mortgages for ground rent, p. 503, article 1248.
- To vote in corporations, p. 503, article 1249.
- To relieve payment of license in certain cases, p. 504, article 1250.
- To select druggist, p. 504, article 1251.
- Requiring police to report business firms, p. 504, article 1252.
- Permission to post advertisements, p. 557, article 1408.
- To preside over Police Board, p. 638.
- Commander in Chief of Police, p. 640.
- To commission patrolmen Boylan's Detective Agency, p. 644, article 1669.
- Authorized to purchase certain property, p. 663, article 1737.
- Authorized to sell certain property, p. 664, article 1738.
- Ex-officio* member of Board of School Directors, p. 691.
- Authorized to remove obstructions—cleaning streets, p. 1079.

Meats—

- Sale of putrid, p. 385, article 817.
- Penalty, p. 385, article 818.
- Penalty in markets, p. 475, article 1168.
- Time for bringing to market, p. 481, article 1190.

Medicine, Surgery and Midwifery—

- Act of Legislature—regulating practice of, p. 506.

Meetings in squares and parks prohibited, p. 565, article 1444.

Melpomene, Camp and Coliseum Street Culvert—

- Unlawful to drive on, p. 504, article 1253.
- Commissioner Police and Public Buildings, to erect signs, p. 505, article 1254.

Melpomene, Camp and Coliseum Street Culvert—*Continued.*

Unlawful to ride on, etc., p. 505, article 1255.

Other ordinances, p. 505.

Merancovich, Joseph. transferee, West End, p. 453, article 1064.

Meridian Lines, p. 505, articles 1257-1260.

Messages—

Duty of telegraph company to transmit, p. 1131.

Penalty for failure to, p. 1132.

Penalty for failure or refusing to, p. 1132.

Defeating the ends of justice, prohibited, p. 1132.

Metal gutters (see "Buildings"), p. 168.

Metairie Park—

Boundary, powers, etc., p. 615, article 1594.

Unlawful to place or throw wood on, p. 615, article 1595.

Repealing clause, p. 615, article 1596.

Midwifery (see "Medicine," etc.). p. 507.

Milk—

Sale of adulterated, p. 386, articles 822-823.

Standard, p. 386, article 824.

Adulteration defined, p. 387, article 825.

Samples to be furnished, p. 387, articles 826-827.

Sale of skimmed milk unlawful, p. 387, article 828.

Skimmed milk to be marked, p. 388, article 829.

Vehicles to be marked, p. 388, article 830.

Carrying water prohibited, p. 388, articles 831-832.

Militia, p. 509.

Minors—

Sale of liquors to, p. 138, article 251.

Sale of liquors to, statute, p. 141.

Penalty, p. 138, article 252.

Duty of Police, p. 138, article 253.

Failure to arrest, p. 139, article 253.

Driving vehicles, p. 275, article 602.

Prohibited from impounding animals, p. 669, article 1754.

Prohibited from hanging on cars, p. 702, articles 1792-1794.

Unlawful to buy from or sell to second-hand stores, p. 991, article 2635.

Mischief, malicious, p. 554, article 1394.

Misdemeanors (see "Offences"), p. 537.

Mississippi, Terre-aux-Bœuf & Lake Railroad, p. 775, articles 2030-2033.

Mississippi Valley Railroad—

Right of way, p. 768, articles 2008-2029.

Electric signals, p. 700, article 1782.

Wharf privileges, p. 1194, articles 3229-3236.

Molasses—

Adulteration of, p. 388, articles 834-838.

Employment of persons to adulterate, p. 389, article 835.

Molasses—Continued.

Selling or cause to be sold, p. 389, article 836.

Informer to receive one-half fine, p. 389, article 837.

Landing, p. 1193, articles 3223-3224.

Morgan's Louisiana & Texas Railroad and Steamship Company—

Right of way, p. 731, article 1907-1964.

Morgue, duties of keepers, p. 509, article 1261.

Morris Baths, p. 534, article 1290.

Morris Park, p. 616, article 1599.

Mortgages, Recorder of, p. 973.

Motormen (see "Drivers")—

See "Railroads," p. 696, articles 1768-1820.

Approaching West End trains, p. 704, articles 1804-1805.

Move On, p. 1142, article 3054.

Moss, A. P., and others—

Franchise for Telephone Company, p. 1128, articles 3015-3024.

Music—

In barrooms, p. 136, article 243.

Music saloons, p. 137, article 247.

McCaleb, E. Howard, settlement with, p. 662, articles 1734-1735.

McDonogh Estate (see "Almshouses," etc.), p. 85, articles 59-71.

Names of Streets, pp. 1024, 1038, articles 2704-2707, 2710-2734.

Napoleon Avenue—

Board of Commissioners, p. 617, article 1600.

Powers of, p. 617, article 1601.

National Fire Alarm Company—

Franchise and right of way, p. 337, article 707.

To transmit alarms, p. 338, article 709.

Nicholson, Colin J., Fund, p. 74.

*Neutral Grounds—**Canal Street—*

Grade of railroads, p. 529, article 1271.

Failure to establish grade, p. 529, article 1272.

Duty of City Attorney, p. 530, article 1273.

Creating Board of Commissioners, their powers, duties, etc., p. 600, articles 1520-1521.

Camp Street—

Providing neutral grounds, p. 1038, articles 2708-2709.

Riding on, p. 1069, articles 2835-2836.

Carrollton Avenue—

Appointing commissioners, p. 601, article 1522.

Claiborne Street, pp. 528-530, articles 1266-1279-1280.

Providing commissioners, p. 602, articles 1530, 1531.

Cleveland Park—

Providing for control of, p. 601, articles 1523-1529.

Delord street, p. 531, article 1281.

Neutral Grounds—*Continued.*

Esplanade Street—

Appointing commissioners, p. 602, articles 1532-1536.

South Franklin street, p. 530, article 1274.

Providing commissioners, p. 609, articles 1537-1538.

Gentilly Avenue—

Providing commissioners, p. 604, article 1539.

Jamison Park—

Providing commissioners, p. 606, articles 1546-1550.

Jefferson Park—

Providing commissioners, p. 606, articles 1551-1552.

Louisiana Avenue—

Providing commissioners, p. 606, articles 1553-1561.

Napoleon Avenue—

Creating Board of Commissioners, p. 617, articles 1600-1601.

Orleans Avenue—

Creating Board of Commissioners, p. 618, article 1605.

Parkerson Place—

Creating Board of Commissioners, p. 618, articles 1606-1607.

St. Charles Avenue—

Riding or driving on, p. 529, articles 1267-1268.

Watering troughs, p. 529, articles 1269-1270.

Creating Board of Commissioners, p. 618, articles 1608-1618.

St. Roche Avenue—

Providing Board of Commissioners, p. 609, article 1562.

Triton Walk—

Providing Board of Commissioners, p. 609, articles 1563-1564.

Tulane Avenue—

Providing for, p. 531, articles 1282-1283.

Ursulines Avenue, p. 530, articles 1275-1278.

Appointing commissioners, p. 609, articles 1565-1574.

General Ordinances—

Hanging out clothes, shaking carpets, etc., prohibited.
p. 563, article 1437.

Right and left roadways, p. 1065, article 2815.

Privileges, p. 532.

Newman Park—

Donation accepted, p. 617, article 1602.

Dedicated to park purposes, p. 617, article 1603.

Appointment of commissioners, p. 617, article 1604.

New Orleans—

Constables' fees and costs, p. 299, articles 666-679.

Urban portion of city, p. 570, article 1263.

Book of sketches, p. 511, article 1264.

To pay Council fees of officers, p. 571, article 1455.

New Orleans—Continued.**Acts of Louisiana—**

Act No. 71 of 1852, consolidating city of New Orleans,
p. 512.

Act No. 72 of 1852, consolidating city of New Orleans,
p. 513.

Act No. 7 of 1870, extending limits, p. 514.

Act No. 71 of 1874, annexing Carrollton, p. 515.

Decisions, p. 518.

New Orleans Auxiliary Sanitary Association—

Right to lay pipe, p. 533, article 1284.

Use of certain property p. 533, articles, 1285-1288.

Term of use, p. 533, article 1286.

Reversion, p. 534, article 1289.

Morris Baths, p. 534, articles 1290-1298.

New Orleans Abattoir Company—

Permission to operate, p. 992, article 2640.

Bond, p. 992, article 2641.

Inspection, p. 993, article 2642.

Construction, p. 993, article 2643.

Bone yards, p. 993, article 2644.

Repealing certain ordinances, p. 993, article 2645.

New Orleans & Carrollton Railroad Company—

Right of way, p. 785, articles 2068-2167.

Extension of franchise and specifications, p. 799, articles
2135-2167.

New Orleans City & Lake Railroad—

Privileges on revetment levee, West End, p. 443, article
1021.

Exclusive use of levee, p. 443, article 1022.

Conditions, p. 443, article 1023.

Rights inside of levee, p. 444, article 1024.

To keep buildings and improvements in good condition,
p. 444, article 1025.

Reversion to city, p. 445, article 1025.

Right of way and specifications, p. 821, articles 2180-2306.

**New Orleans City Park Improvement Association, p. 597, arti-
cles 1502-1509.****New Orleans Elevator and Warehouse Company—**

Wharf privileges, p. 1212, articles 3280-3288.

New Orleans, Fort Jackson & Grand Isle Railroad—

Right of way, p. 775, articles 2034-2040.

**New Orleans Gas Light Company (see "Lights"), p. 366, article
768.****New Orleans & Northeastern Railroad—**

Right of way, p. 759, articles 1985-2007.

Wharf privileges, p. 1209, articles 3276-3279.

- New Orleans Pacific Railroad Company—
Right of way, p. 751, articles 1965-1984.
Wharf privileges, p. 1208, articles 3274-3275.
- New Orleans Sewerage Company—
Rights and privileges, p. 1001, articles 2671-2693.
- New Orleans & Southern Railroad (formerly Mississippi, Terre-aux-Beuf & Lake R. R.)—
Right of way, p. 775, articles 2030-2033.
- New Orleans, Spanish Fort & Lake Railroad—
Right of way, p. 906, articles 2454-2460.
- New Orleans Telephone Company—
Right of way, p. 1124, articles 3000-3001.
- New Orleans & Western Railroad—
Right of way, p. 778, articles 2041-2051.
- New Orleans Waterworks Company—
Franchise, p. 1165, article 3126.
Pressure of water, p. 1166, article 3126.
Cost of fire plug and number, p. 1166, article 3126.
Drought, p. 1166, article 3127.
Decrease or increase of plugs, p. 1166, article 3127.
Amount to be budgeted, p. 1167, article 3128.
Deductions, p. 1167, article 3128.
Duty of Comptroller and Treasurer, p. 1167, article 3129.
Inspection, waste, p. 1168, article 3130.
Notarial act, p. 1168, article 3131.
Repealing clause, p. 1168, article 3132.
Police regulations, p. 1168, articles 3133-3142.
Vessels in front of pipes, p. 1170, articles 3143-3144.
Vessels in front of cribs, p. 1171, articles 3145-3146.
Suit of Ed. Conery, Jr., et als.; instructions to City Attorney, p. 1171, articles 3147-3149.
City Surveyor to test water daily, p. 1172, article 3150.
Resolution of Board authorizing issue of bonds, p. 1172, article 3152.
Not to exceed \$250,000, p. 1174, article 3154.
Consent of counsel, p. 1175, article 3155.
Mayor authorized to act, p. 1176, article 3156.
Cancellation of bonds, p. 1176, article 3156.
- Nigger shooters, unlawful to use, p. 546, article 1350.
- Nine hours labor, p. 294, article 653.
- Noises—
Factories, p. 296, article 664.
Blowing police whistles, p. 546, article 1350.
Drums, horns, etc., p. 547, article 1355.
Indecent language, p. 547, article 1356.
Disturbances, p. 547, article 1357.
Charivaris, p. 548, article 1358.
Drunk and disturbing the peace, p. 548, article 1360.
- Normal School, statute, p. 690,

Notary—

City, relative to contracts, p. 256, article 536.

City, p. 537.

Transferring property without paying taxes, liable to prosecution, p. 1103, article 2931.

Nuisances—(see "Offences"), p. 546, article 1351.

Unlawful to commit, p. 548, article 1362.

Wharves, p. 1163, article 3123.

Numbers, house, p. 422, articles 936-957.

Obscene literature, p. 551, articles 1378-1380.

Obstructions—

On levees, p. 439, articles 1003-1009.

Cars on street crossings, p. 699, article 1775.

On car tracks, p. 702, articles 1790-1791.

Streets by I. C. R. R., p. 709, article 1829.

Carnival processions, p. 1158, article 3101.

On sidewalks, p. 1058, articles 2794-2796.

By builders, p. 1060, articles 2797-2800.

Odorless apparatus, p. 658, article 1711.

For vidangeurs, p. 1160, articles 3108-3109.

Oestarly, Simon, slaughterhouse, p. 996, article 2650.

Offal—

From boarding houses and hotels, p. 420, articles 933-935.

Occupants of stalls and stands in markets, p. 479, article 1184.

Vehicles to remove from their stands, p. 1155, articles 3088-3089.

Offences—

Disorderly acts in places of amusement, p. 90, article 82.

Weapons, p. 91, articles 89-91.

Burial in city limits, p. 198, articles 388-389.

Damaging tombs, p. 198, articles 390-391.

Improper conduct in cemeteries, p. 199, article 392.

Drivers using violent and insulting language, p. 274, article 601.

Mixing garbage, p. 372, article 772.

Removal of, p. 372, article 773.

Hours for removal, p. 373, article 776.

Unlawful for others to remove, p. 375, article 783.

Disturbing garbage cans, p. 378, articles 799-800.

Committing nuisance, p. 392, articles 854-859.

Resisting officers of Board of Health, p. 393, articles 858-859.

Driving on Melpomene C. and C. culvert, p. 504, article 1253.

Riding on Melpomene C. and C. culvert, p. 505, article 1255.

Riding or driving on C. and C. culvert, p. 505, article 1256.

Offences—*Continued.*

Animals—

Exercising horses and cattle in certain streets, p. 537, article 1299.

Washing horses on pavement, p. 537, article 1300.

Penalty, p. 537, article 1301.

Hitching horses, p. 537, article 1302.

Notice of violation of ordinance to be served, p. 537, article 1302.

Penalty for continued violation, p. 538, article 1302.

Driving loose horses through streets, p. 538, article 1303.

Penalty, p. 538, article 1304.

Driving cattle through streets, p. 538, article 1305.

Separate offences, and penalty, p. 538, article 1306.

Driving horses, etc., through streets, p. 539, article 1308.

In charge of competent keeper, p. 539, article 1309.

Prohibited streets, p. 539, article 1309.

Penalty, p. 539, article 1310.

Mules, horses, etc., not to rove on banquettes or streets, p. 539, article 1312.

Cruelty to animals, p. 539, article 1313.

Duty of police, p. 540, article 1314.

Vehicles—

Unlawful to stand on revetment at West End, p. 540, article 1316.

Penalty, p. 540, article 1316.

Gongs attached to vehicles, p. 540, article 1317.

Penalty, p. 540, article 1318.

Illegal use of license plates, p. 541, article 1319.

To be impounded, p. 541, article 1320.

Penalty, p. 541, article 1321.

Obstructing street cars, p. 541, article 1322.

Penalty, p. 541, article 1323.

Duty of police officers, p. 541, article 1323.

Drivers using violent and insulting language, p. 541, article 1324.

Penalty, p. 541, article 1325.

Parents responsible for minors, p. 542, article 1326.

Crossings—

Full stop at intersections, p. 542, article 1327.

Penalty, p. 542, article 1328.

Full stop crossing other track, p. 542, article 1329.

Explosives on car tracks, p. 542, article 1330.

Penalty, p. 542, article 1331.

Fish, etc.—

Unlawful to fish during spawning season, p. 543, article 1332.

Offences—*Continued.*

Penalty, p. 543, article 1333.

Unlawful to haul seine, net, etc., in any lagoon or bayou, p. 543, article 1334.

Repealing clause, p. 543, article 1335.

Street Signs—

Defacing or injuring, p. 543, article 1336.

Unlawful to remove stake or other marks of City Surveyor, p. 544, article 1337.

Penalty, p. 544, article 1338.

Sand—

Unlawful to remove, p. 544, article 1339.

Penalty, p. 544, article 1340.

Firearms—

Concealed weapons, p. 544, article 1341.

Sale to minors unlawful, p. 545, article 1342.

Penalty, p. 545, article 1343.

Discharging in city limits, p. 545, article 1344.

Limits, p. 545, article 1344.

Limits Fifth District, p. 545, article 1345.

Penalty, p. 546, article 1346.

Repealing clause, p. 546, article 1347.

Gimlet Knives, sale of, p. 546, articles 1348, 1349.

Nigger Shooters, sale of, p. 546, article 1350.

Noises, Nuisances, etc.—

Unlawful blowing of police whistles, p. 546, article 1351.

Penalty, p. 547, article 1352.

Oysters, p. 547, article 1353.

Carrying away earth, p. 547, article 1354.

Drums, horns, etc., p. 547, article 1355.

Indecent language, p. 547, article 1356.

Disturbances, p. 547, article 1357.

Charivaris, p. 548, article 1358.

Throwing flour, p. 548, article 1359.

Intoxication, or disturbance of peace, p. 548, article 1360.

Penalty, p. 548, article 1361.

Committing nuisance, p. 548, article 1362.

Protection of Police—

Cursing the police, p. 548, article 1363.

Rescuing or attempting to rescue prisoner, p. 548, article 1364.

Inciting resistance to officer, p. 549, article 1365.

Obstructing or interfering with officer, p. 549, article 1366.

Unlawful to wear police uniform, p. 549, article 1367.

Penalty, p. 549, article 1368.

Offences—Continued.

Other ordinances repealed, p. 549, article 1369.

Damaging or destroying police uniform, p. 549, article 1370.

Organ Grinders—

Hours, p. 550, article 1371.

Penalty, p. 550, article 1372.

Indecent exposure of person, p. 550, article 1373.

Penalty, p. 550, article 1375.

While bathing, p. 551, article 1376.

Penalty, p. 551, article 1377.

Obscene Literature—

Exposure, circulation, etc., p. 551, article 1378.

Penalty, p. 551, article 1379.

Repealing clause, p. 551, article 1380.

Public property, p. 552, article 1381.

Slops—

House, hotel or boarding house, p. 552, article 1382.

Unlawful to throw in street, p. 552, article 1383.

Penalty, p. 552, article 1384.

Burning brush, p. 552, article 1385.

Penalty, p. 552, article 1386.

Lotteries, tickets, sale of unlawful, p. 553, article 1387.

Whistles, Steam—

Blowing of on certain streets prohibited, p. 553, article 1389.

Penalty, p. 553, article 1390.

Blowing of, unlawful between certain hours, p. 554, article 1392.

Trespass on another's land, p. 554, article 1393.

Malicious Mischief—

Injuring, breaking property, public or private, p. 554, article 1396.

Vacant Houses—

To keep doors and entrances closed, p. 555, article 1396.

Duty of police, p. 555, article 1397.

Failure to comply with notice, p. 555, article 1398.

Smoke consumers, p. 555, article 1399.

Penalty, p. 555, article 1400.

Excavating Streets—

Unlawful to tear up more than three blocks of street, p. 556, article 1401.

Penalty, p. 556, article 1402.

Digging streets without permission, p. 556, article 1403.

Every day a separate offence, p. 556, article 1404.

Advertisements—

Posting, painting, etc., p. 557, article 1405.

Penalty, p. 557, article 1406.

Offences—Continued.

Repealing Ordinance No. 4923, C. S., p. 557, article 1407.

Permission of Mayor, p. 557, article 1408.

Penalty, p. 557, article 1409.

Repealing Ordinance No. 91, N. S., p. 557, article 1410.

Throwing offensive matter in yards, etc., p. 1163, article 3124.

Gambling—

On streets, p. 558, article 1411.

Penalty, p. 558, article 1412.

Swinging Signs—

Unlawful to erect signs or advertising boards, p. 558, article 1413.

Unlawful to maintain hanging signs, p. 558, article 1414.

Penalty, p. 559, article 1415.

Smoking—

On wharves, p. 559, article 1416.

On holds or decks of vessels, p. 559, article 1417.

Sign boards to be posted, p. 559, article 1418.

Cotton presses and railroad platforms, p. 560, article 1419.

Penalty, p. 560, article 1420.

Jurisdiction of Recorders, p. 560, article 1421.

Repealing clause, p. 560, article 1422.

On cabins of ferryboats, p. 560, article 1423.

Penalty, p. 560, article 1424.

On cars, p. 561, article 1425.

One-half fine to informer, p. 561, article 1426.

Repealing clause, p. 561, article 1427.

Peddlers—

Ringling door bells prohibited, p. 561, article 1428.

Duty of Chief of Police, p. 561, article 1429.

Repealing clause, p. 561, article 1430.

Repealing certain ordinances, p. 562, article 1431.

Defacing Poles—

Posters, etc.; penalty, p. 562, article 1432.

Rice Chaff, Manure—

Removal through streets, p. 562, article 1433.

Lamps and posts, defacing, p. 562, article 1434.

Tombolas—

Prohibited in vicinity of markets, p. 563, article 1435.

Penalty, p. 563, article 1436.

Shaking carpets, hanging clothes, etc., prohibited, p. 563, article 1437.

Sales of groceries in streets, p. 553, article 1438.

*Offences—Continued.***Red Lights—**

To exhibit where repairs are being made, p. 563, article 1439.

Electric Towers—

Climbing, defacing or injuring, p. 564, article 1440.

Penalty, p. 564, article 1441.

Parks, Squares, etc.—

Cutting, hacking, etc., property, p. 564, article 1442.

Tramps, vagrants, etc., p. 564, article 1443.

Public meetings, p. 565, article 1444.

Artillery prohibited, p. 565, article 1445.

Vehicles, bootblacks, etc., p. 565, article 1446.

Penalty, p. 565, article 1447.

Molesting plants or other articles, p. 565, article 1448.

Commissioner of Police and Public Buildings to post signs, p. 566, article 1449.

Banana and Orange Peelings—

Fruit peelings, p. 566, article 1450.

Penalty, p. 566, article 1451.

Police to arrest for violations, p. 566, article 1452.

Grass—

On sidewalks or gutters, p. 566, article 1453.

Penalty, p. 566, article 1454.

Obstructing and interfering with sewerage, p. 1008, article 2686.

Decisions of Supreme Court, p. 567.

Official Journal—

To contract with lowest bidder, p. 572, article 1461.

Publication of bid, p. 573, article 1462.

Publications in official journal only, p. 573, article 1465.

Approval of finance committee, p. 573, article 1464.

Advertisements after the hour, p. 573, article 1465.

Prescription, statute, p. 647.

Officers and Employees—

Extortion in office defined, statute, p. 569.

Deadheads unlawful, statute, p. 569.

Punishment, statute, p. 570.

Contracts to be let to lowest bidder, p. 570.

Estimates by heads of departments, p. 570.

Personal attendance to duties, p. 571.

Counsel fees of officers to be paid by city, p. 571, article 1455.

To visit public institutions, p. 571, article 1456.

Contracts over \$500 without authority, p. 571, article 1457.

Bonds to be completed before issue of warrants, p. 571, article 1458.

Bonds to be furnished within two weeks, p. 571, article 1459.

Condition of bonds, p. 572, article 1460.

- One-twelfth rule, p. 110, article 170.
- Opening streets, p. 1052, articles 2766-2772.
- Opium—
- Sale of, p. 576, articles 1476-1477.
 - Joints, p. 577, article 1478.
- Orange peelings, thrown on sidewalks, p. 566, articles 1450-1452.
- Ordinances—
- Copies of ordinances to be sent the Mayor, p. 503, article 1246.
 - Compilation of, p. 573, article 1466.
 - Passage of, p. 574, article 1467.
 - Must receive vote of a majority of the members of Council and ayes and nays called, p. 574, article 1468.
 - Approval of, p. 574, article 1469.
 - Publication of, p. 574, article 1470.
 - Private ordinances, parties interested to pay cost of printing, p. 575, article 1471.
 - Name, p. 575, article 1472.
 - Cost of publication, p. 575, article 1473.
 - Ordinances amending or repealing, must contain subject matter of ordinance amended or repealed, p. 575, article 1475.
 - Decisions, p. 576.
- Organ Grinders, p. 550, articles 1371-1372.
- Organization—
- Of Fire Department, statute, p. 340.
 - Of different departments, p. 577, articles 1479-1481,
- Orleans Levee Board, statute—
- Creating Orleans Levee District, p. 432.
 - Board of Commissioners and their appointment, p. 432.
 - Domicile of board, p. 432.
 - Meetings, p. 432.
 - Powers and duties of officers, p. 433.
 - Removal of members of board, p. 433.
 - Taxes, p. 433.
 - Funds deposited with State Treasurer, p. 433.
 - Approval of State Board of Engineers, p. 434.
 - Special officers, p. 434.
 - Emergency cases, p. 434.
 - City Surveyor to be Chief Engineer, p. 434.
 - Expropriation of lands, p. 434.
 - Act amending powers and duties of board, p. 435.
- Orleans avenue—
- Appointment of Board of Commissioners, p. 618, article 1605.
- Orleans Railroad Company—
- Right of way, p. 893, articles 2394-2409.
 - Extension of franchise, p. 898, articles 2410-2453.

Orlopp, M. A. Jr.—

Acceptance of bid, p. 262, articles 558-559.

Orphans (see "Almshouses," etc.), p. 67, articles 1-78.

Repealing certain ordinances, p. 583, article 1482.

Ovens and kilns, p. 583.

Overloading animals, penalty for, p. 1150, article 3068.

Oysters—

Sale in markets prohibited, p. 478, article 1178.

Piling on sidewalks prohibited, p. 547, article 1353

Parish Prison, p. 650—

Construction, p. 258, article 547.

Parks, Squares and Neutral Grounds—

Shaking carpets in, prohibited, p. 563, article 1437.

Cutting, hacking, etc., property in, p. 564, article 1442.

Tramps, vagrants, etc., p. 564, article 1443.

Public meetings prohibited in, p. 565, article 1444.

Artillery prohibited in, p. 565, article 1445.

Vehicles, bootblacks, etc., p. 565, article 1446.

Molesting plants or other articles, p. 565, article 1448.

Commissioner of Police and Public Buildings to post signs,
p. 566, article 1449.

Act 84 of 1870, E. S., establishing public park, p. 585.

Act 87 of 1877, E. S., abolishing Board of Park Commis-
sioners, p. 588.

Administrator of Police, control of, p. 589, article 1483.

Audubon Park—

Board of Commissioners, their powers, duties, etc., p.
589, articles 1486-1499.

Sugar Experimental Station, p. 594, articles 1500-1501.

Lower City Park—

Government, management, directors, etc., p. 597,
articles 1502-1509.

Annunciation Park, p. 598, article 1510.

Beauregard Square, p. 598, articles 1511-1519.

Canal street neutral ground, p. 600, articles 1520-1521.

Carrollton avenue neutral ground, p. 601, article 1522.

Cleveland Park, p. 601, articles 1523-1529.

Claiborne street neutral ground, p. 602, articles 1530-1531.

Esplanade street neutral ground, p. 602, articles 1532-1536.

South Franklin street neutral ground, p. 603, articles 1537-
1538.

Gentilly avenue neutral ground, p. 604, article 1539.

Jackson Square, p. 604, articles 1540-1545.

Jamison Park, p. 606, articles 1546-1550.

Jefferson Park, p. 606, articles 1551-1552.

Louisiana avenue neutral ground, p. 606, articles 1553-1561.

St. Roche avenue neutral ground, p. 609, article 1562.

Parks, Squares and Neutral Grounds—Continued.

- Triton Walk neutral ground, p. 609, articles 1563-1564.
- Ursulines avenue neutral ground, p. 609, articles 1565-1574.
- Lee Place, p. 611, articles 1575-1577.
- Liberty Place, p. 612, articles 1578-1580.
- Macarthy Square, p. 613, article 1581.
- Margaret Place, p. 613, articles 1582-1593.
- Metairie Park, p. 615, articles 1594-1598.
- Morris Park, p. 616, article 1599.
- Napoleon avenue, p. 617, articles 1600-1601.
- Newman Park, p. 617, articles 1602-1604.
- Orleans avenue neutral ground, p. 618, article 1605.
- Parkerson Place, p. 618, articles 1606-1607.
- St. Charles avenue, p. 618, articles 1608-1618.
- Sugar Exchange Park, p. 621, articles 1619-1621.
- Tulane Park, p. 622, articles 1622-1627.
- Coliseum Square, p. 623, article 1628.
- Washington Square, p. 623, article 1628.
- Lafayette Square, p. 624, articles 1629-1630.
- St. Bernard Square, p. 624, article 1631.
- Decisions, p. 624.
- Parkerson Place—
 - Dedication, p. 678, article 1606.
 - Appointment of commissioners, p. 678, article 1607.

Passage ways (see "Buildings") p. 179, article 337.

Paupers (see "Vagrants").

Each parish to support its own, p. 624.

Pavements—

- Streets, p. 1055, articles 2778-2793.
- Sidewalks, p. 1075, article 2860-2864.
- Contracts to begin when, p. 253, article 521.

Peddling—

- Fish, crabs or shrimp, unlawful, p. 394, articles 869-870.
- Prohibited in markets, p. 479, article 1182.
- Ring door bells prohibited, p. 561, article 1428.
- Unlawful from cars or at depots, p. 699, article 1777.
- Unlawful from platforms, etc., of railroads, p. 699, articles 1778-1779.

Peelings, fruit, throwing on sidewalks, p. 566, article 1450.

People's Slaughterhouse and Refrigerating Company—

- Franchises and privileges, p. 994, articles 2646-2649.

Persons—

- Idle (see "Vagrants"), p. 1142.
- Insane, p. 74.
- Care and treatment of insane, p. 426, articles 964-965.

Personal attendance at office, p. 571.

Petroleum, p. 238, articles 471-478.

- Pettit, Geo. S., lease Sixth and Seventh District wharves. p. 1233, article 3344.
Transfer to Jas. Sweeney, p. 1233, article 3345.
- Physician (see "Medicine")—
In case of death, duty of, p. 201, articles 405-406.
To report contagious diseases, p. 399, article 891.
Regulating practice, p. 506.
- Physician, City, p. 696.
- Pickeries, cotton, erection of, p. 625, article 1632.
- Pigeons, p. 107, articles 166-167.
- Pilings, street, p. 373, article 775.
Street, p. 1066, articles 2821-2822.
- Pilots. p. 625.
- Pipes, stand, in case of fire, p. 350, article 731.
- Pipes and connections, privileges, p. 626.
- Pitch, p. 244, article 501.
- Plants, unlawful to molest, p. 565, article 1448.
- Poisons—
Sale of, pp. 385-631, articles 820-1633.
Patent medicine, p. 631, article 1634.
Record of sales, p. 631, article 1635.
Penalty, p. 631, article 1636.
- Poles—
Electric light, p. 407, articles 1128-1135.
Defacing with posters, etc., p. 562, article 1432.
To be removed from Jamison Park, p. 606, articles 1549-1550.
Foot cleats, p. 632, articles 1637-1639.
Permission of Council, p. 632, article 1640.
Erection of electric light, p. 632, articles 1643-1648.
Erection of telephone, p. 634, articles 1649-1657.
Erection of telegraph, p. 636, articles 1658-1665.
- Police—
At theatres and public exhibitions, p. 90, article 85.
At theatres and public exhibitions, their number, p. 92, articles 94-95.
Right to enter, p. 92, article 96.
Enforcing ordinance, p. 92, article 92.
Balls, p. 94, article 102.
Theatres, diagrams, p. 97, article 112.
Dog wagon, p. 99, article 125.
Goats, p. 102, article 139.
Cattle driven in certain limits, p. 103, article 148.
Society for Prevention of Cruelty to Animals, p. 109.
Awning, sheds, etc., obstructing lights, p. 128, article 209.
Saloons, p. 136, articles 243-244.
Sale of liquor to minors, p. 138, article 253.
Bonds of, executed before whom, p. 156, article 265.

Police—Continued.

- Court officers, p. 257, articles 543-546.
- Headquarters, construction, p. 258, article 547.
- Duty during fires, p. 348, article 723.
- Buildings in fire limits, p. 354, article 746.
- Lewd women, regulate, p. 457, articles 1074-1095.
- Licenses, duty of, p. 465, article 1114.
- To report business firms when ordered, p. 504, article 1252.
- Whistles, unlawful to blow, p. 546, article 1351.
- Cursing police, p. 548, article 1363.
- Rescuing or attempting to rescue prisoners from, p. 548, article 1364.
- Inciting resistance to, p. 549, article 1365.
- Obstructing or interfering with, p. 549, article 1366.
- Unlawful to wear uniforms, p. 549, article 1367.
- Damaging or destroying uniform, p. 549, article 1370.
- Throwing fruit peelings on walks, p. 566, article 1452.
- To assist pound keepers, p. 668, article 1750.
- For Recorders' Courts, p. 970.
- Second-hand stores, p. 990, articles 2632-2638.
- To report obstructions by builders, p. 1062, article 2800.
- To report violations of sidewalk ordinances, p. 1073, article 2851.
- To arrest vagrants and idle persons, p. 1139, articles 3048-3055.
- "Move on" Ordinance, p. 1142, article 3054.
- To arrest vehicle without light, p. 1148, article 3064.
- To strictly enforce ordinance on vehicles, p. 1154, article 3086.
- Interference with plug of Waterworks Company, p. 1168, articles 3133-3142.

Police Board—

- Creating Board of Commissioners, p. 638.
- Election, term of office, vacancies, p. 638.
- Qualifications of members, p. 638.
- Meetings of Board, p. 638.
- Mayor to preside, p. 638.
- To elect president pro tem., p. 638.
- Oath of office, p. 638.
- Organization, p. 639.
- Powers and duties of, p. 639.
- Officers and members of force to hold office during good behavior, p. 639.
- Qualifications and requirements of members of police force, p. 639.
- Commissioners prohibited from holding other office, p. 640.
- Vacancies on police force, p. 640.
- Mayor, commander in chief, p. 640.

Police Board—*Continued.*

- Bonds of officers, p. 640.
- Trial and punishment of members of police force, p. 640.
- Resignation or absence without leave, p. 640.
- Power to compel attendance of witnesses, p. 641.
- Authorized to administer oaths, p. 641.
- Police Board, powers and duties, p. 641.
- Duties of police force, p. 641.
- Power to arrest without warrant, p. 642.
- Superintendent of Police, p. 642.
- City Attorney, p. 642.
- Members of force prohibited from doing certain things, p. 642.
- Rewards, presents or testimonials, p. 643.
- Police pension fund, p. 643.
- Annuities, p. 643.
- Provisions for police jails, p. 644, article 1666.
- Private watchmen, p. 644, article 1667.
- Boylan's Detective Agency, p. 644, articles 1669-1675.
- Decisions, p. 646.
- Police courts (see "Recorders"), p. 969, articles 2614-2622.
- Police jails, p. 648, articles 1678-1695.
- Police patrol system, p. 646, articles 1676-1677.
- Police powers, Fire Department, p. 344.
- Police and Public Buildings, Commissioner of, p. 244, article 503.
- Pontchartrain Railroad Company—
 - Right of way, p. 781, articles 2052-2067.
- Porter, City Hall, p. 665, article 1739.
- Port Wardens (see "Masters and Wardens"), p. 499.
- Postal Telegraph Company—
 - Right of way, p. 1122, articles 2997-2999.
- Posts, lamps, etc., defacing, p. 562, article 1434.
- Posters, defacing poles, etc., p. 562, article 1432.
- Posting advertisements, etc., p. 557, articles 1405-1410.
- Pounds—
 - Impounding dogs, p. 99, article 123.
 - Keeper of, p. 99, article 124.
 - Duties of keeper, p. 99, article 126.
 - Other duties, p. 100, articles 127-134.
 - Unlawful for animals to roam at large, p. 665, article 1740.
 - Shall not apply when, p. 665, article 1741.
 - Limits, p. 666, article 1742.
 - Penalty, p. 666, article 1743.
 - Damage to streets, p. 666, article 1744.
 - Duty of commissioners, p. 666, article 1745.
 - Unlawful roving defined, p. 667, article 1746.
 - Commissioner of Police and Public Buildings to establish pounds, p. 667, article 1747.

Pounds—Continued.

Disposal of impounded animals and vehicles, p. 667, article 1748.

Fees, p. 667, article 1749.

Duty of police, p. 668, article 1750.

Releases, p. 668, article 1751.

Keepers, p. 668, article 1752.

Duty of keepers, p. 669, article 1753.

Minors, p. 669, article 1754.

Penalty for rescuing, p. 669, article 1755.

Moneys collected, p. 669, article 1756.

Salaries of keepers, p. 670, article 1757.

Repealing clause, p. 670, article 1758.

Vehicles without license plate, p. 670, article 1759.

Fines, p. 670, article 1760.

Releases, p. 670, article 1761.

Repealing clause, p. 670, article 1762.

Powder and powder magazines, p. 241, articles 491-498.

Prat, Jean, lease of lot No. 19, West End, p. 451, articles 1054-1056.

Precincts, boundaries, p. 158, articles 275-291.

Premium Bonds (see "City Debt"), p. 210.

Prescription, statute—

In favor of city of New Orleans, p. 647.

Of certain offences, p. 647.

Presses, cotton, p. 257, article 542.

Prisons and Jails—

Provisions for police jails, p. 644, article 1666.

Workhouse to be used as police jail, p. 648, article 1678.

Under charge Commissioner Police and Public Buildings
p. 648, article 1679.

Place of confinement, p. 648, article 1680.

Prisoners to be employed, p. 648, article 1681.

For violation of city ordinances, p. 649, article 1682.

Recorders authorized to commit to, p. 649, article 1683.

Manual labor, p. 649, article 1684.

Deductions of days for work, p. 649, article 1685.

Double rations and tonics, p. 649, article 1686.

Feeding prisoners, p. 650, article 1687.

Matrons of police stations, p. 650, article 1688.

Parish Prison, statute—

Sheriff keeper of jail, p. 650.

Regulation of, p. 650.

Physician to be appointed, p. 650.

Provisions to be furnished, p. 650.

Clothing to be furnished, p. 650.

• Compensation for keeping prisoners, p. 651.

Prisoners may be transferred to another jail, p. 650.

Prisons and Jails—*Continued.*

- Compensation for removing prisoners, p. 650.
- United States prisoners, p. 651.
- Compensation for keeping them, p. 651.
- Allowance for debtors confined, p. 652.
- Mileage for conveying prisoners, p. 652.
- Sheriff's account to be made out, p. 652.
- Grand jury required to inspect prisoners, p. 652.
- Prisoners willing to work, p. 652, article 1689.
- Keepers for prisoners working, p. 652, article 1690.
- Deputy Sheriffs or keepers under control of Commissioner of Public Works, p. 653, article 1691.
- Payment of expenses, p. 653, article 1692.
- Repairing levees, p. 653, article 1693.
- Duty of City Surveyor, p. 653, article 1694.
- Appropriations, p. 653, article 1695.
- Act 121 of 1888, authorizing Criminal Sheriffs to work prisoners, p. 653.
- Conveyance of prisoners, different sexes, p. 654, article 1696.
- Persons not known to be criminals, p. 654, article 1697.
- Space allowed in vehicles, p. 654, article 1698.
- Of responsibility of officers, p. 655, article 1699.
- Ordinance to be posted in prisoners' vans, p. 655, article 1700.
- Prisoners, (see "Prisoners and Jails"), p. 644.
 - Burial of, p. 199, article 396.
- Private drains, p. 1078, articles 2875-2876.
- Printing—
 - Contracts, p. 254, article 533.
 - Public, to be let out by contract, p. 572, article 1461.
- Private Ordinances, cost of printing, p. 575, article 1471.
- Private markets, p. 493, articles 1240-1245.
- Private watchman, p. 644, article 1667.
- Privileges—
 - Applicants to deposit cost of publication, p. 659, article 1716.
 - Barrooms applications requirements, p. 659, article 1717.
 - Duty of clerks of committees, p. 659, article 1718.
 - Applicants must have paid all taxes and licenses, p. 659, article 1719.
 - Failure to comply with terms of previous grants, p. 659, article 1720.
- Privies—
 - Construction, p. 655, article 1701.
 - Penalty, p. 655, article 1702.
 - Defective vaults, p. 656, article 1703.

Privies—*Continued.*

- When to be emptied, p. 656, article 1704.
- Receiving tanks, p. 656, article 1705.
- Must be cleaned within six months, p. 657, article 1705.
- Ordinance No. 4077, A. S., to remain in force, p. 657, article 1706.
- Vats for urine or overflow, p. 657, article 1707.
- Manholes, p. 657, article 1708.
- Penalty, p. 657, article 1709.
- Hours for emptying, p. 658, article 1710.
- Odorless apparatus, p. 658, article 1711.
- Penalties, p. 658, articles 1712-1713.
- Disinfection, p. 658, article 1714.
- Re-inspection, p. 658, article 1715.
- Unlawful to build when, p. 1008, article 2686.
- Act regulating cleansing of, p. 1164.

Prize fighting prohibited, p. 95, article 106.

Produce landing, p. 1193, articles 3225, 3226.

Property, city—

- Insurance, p. 427, articles 970, 971.
- Unknown, discovery of, p. 660, article 1721.
- Title to be established, p. 660, article 1722.
- Accepting proposition of Thos. W. Watson, p. 661, article 1723.
- Mayor authorized to contract, p. 661, article 1724.
- Swamp lands, p. 661, article 1725.
- Proceeds pledge for drainage, p. 661, article 1726.
- City Attorney, p. 661, article 1727.
- Property purchased for taxes by city, p. 661, article 1728.
- Treasurer to make list of, pp. 662, 1133, articles 1730-3026.
- Comptroller to sell, p. 1133, article 1731.
- Not to insure, p. 1133, article 1733.
- Settlement with E. Howard McCaleb, p. 1133, articles 1734-1735.
- Accepting proposition Louisiana Hose Co., p. 663, article 1736.
- Mayor authorized to purchase certain property, p. 663, article 1737.
- Mayor authorized to sell certain property, p. 664, article 1738.
- Survey and maps, p. 1100, article 2917.

Property, public, p. 552, article 1381.

Prostitutes (see "Lewd Women"), p. 453, articles 1079-1091.

Prudhomme, Hart and others, electric motors, p. 291, article 650.

Prytania Street Market, p. 487, article 1216.

Protection levees, p. 436, articles 986-1009.

Publications (see "Ordinances"), p. 574, article 1470.

(See "Official Journal"), p. 573, article 1462.

- Public baths, p. 534, articles 1290-1298.
- Public Buildings, Commissioner of, p. 245, article 503.
- Public exhibitions, p. 89, articles 79-112.
- Public institutions (see "Almshouses," etc.), p. 67.
- Mayor and administrators to visit, p. 571, article 1456.
- Public improvement fund, statute, p. 671.
- Public markets, p. 674.
- Public meetings—
- Prohibited in parks, squares, etc., p. 565, article 1444.
- Public printing, p. 572, article 1471.
- Public property, breaking, injuring, etc., p. 552, article 1381.
- Public Schools—
- Contagious Diseases—
- Not to be unnecessarily exposed, p. 395, article 875.
- Duty of teachers, etc., p. 397, article 880.
- Pupils not permitted to attend, p. 397, article 881.
- Penalty for permitting attendance, p. 400, article 892.
- To be reported, p. 400, article 893.
- Parents to notify principals, p. 400, article 894.
- Recognizing amounts past due teachers, p. 672, article 1764.
- Providing for their payment, p. 672, article 1765.
- Certificates, p. 673, article 1766.
- Settlement, p. 673, article 1767.
- Creating State Board of Education, p. 674.
- Ex-officio* members and meetings, p. 674.
- Parochial Boards, p. 674.
- Rules and regulations for government of schools of the State, p. 674.
- Additional reports by parish superintendents, p. 674.
- Terms of office of members of board and parish superintendents, p. 674.
- School Boards bodies corporate, p. 675.
- Officers of parish boards and duties, p. 675.
- Removal of parish superintendents, p. 676.
- Counsels of parish boards, p. 676.
- Central and High Schools, p. 676.
- School districts, how created, p. 676.
- School districts, in two adjoining parishes, p. 677.
- Option of children as to two adjoining schools, p. 677.
- Branches to be taught, p. 677.
- Duties of officers, p. 677.
- State Superintendent office, salary, duties, etc., p. 678.
- Parish Superintendent, qualifications, duties, etc., p. 650.
- Teachers' Institute or Association, p. 681.
- Examination fee, p. 684.
- Grades of certificates, p. 684.
- Revenue, p. 684.
- School Treasurer, p. 686.

Public Schools—*Continued.*

City Schools—

- Board of Directors, their appointment, terms of office, vacancies and how filled, p. 687.
- Organization, duties and powers, p. 688.
- Salary and duties of secretary, p. 688.
- Limitation of expenses as to stationery, p. 688.
- Additional powers of board, p. 688.
- Salaries of teachers, porters and portresses, p. 689.
- Limitation of annual and monthly expenditure, p. 689.
- Rules for competitive examination, p. 689.
- Election of teachers, p. 689.
- Certificates of teachers, p. 689.
- Regular monthly meetings, p. 689.
- Vacating seats of members, causes, p. 690.
- Evening and night classes, p. 690.
- Normal schools, p. 690.
- No compensation allowed directors, p. 690.
- Superintendent, his salary and term of office, p. 690.
- Treasurer of New Orleans *ex-officio* Treasurer of Board, his bond, p. 691.
- Term of office, election and salary, p. 691.
- Mayor, Treasurer and Comptroller *ex-officio* members, p. 691.
- Annual report of Board, p. 692.
- Appropriation for annual expenses, p. 692.
- Unpaid claims of 1880-81-82 and 1884, p. 692.
- Evidence of claims, p. 693.
- Limitations as to contracts and debts, p. 693.
- Restraining and repealing same, p. 693.
- Branches to be taught in French, p. 693.
- Act 158 of 1894, amending Sec. 63 of Act 81 of 1888, p. 694.
- Contracts with any religious orders, p. 695.
- Other acts, p. 695.
- Decisions, p. 696.

Protection Levees, p. 436, articles 986-1009.

Public Works, Commissioner of, p. 245, article 504.

Privileges—

- Barrooms, p. 142.
- Buildings in fire limits, p. 355.
- Private markets, p. 495.
- Neutral grounds, p. 532.
- Switch tracks, p. 961.
- Wharves, p. 1233.

Quarantine (see "Health," etc.), p. 403.

Quick-lime, p. 472, articles 1153-1156.

Railroads—

Removal of stringers and timbers obstructing drainage, p. 265, article 576.

Dust, p. 275, articles 604-606.

Negligence, want of skill, etc., of drivers, pp. 275, 703, articles 603-1798.

Full stop at intersections, p. 542, articles 1327-1328.

Full stop at crossings of other tracks, p. 542, article 1329.

Explosives on tracks, p. 542, articles 1330-1331.

Tearing up streets, p. 556, articles 1401-1402.

Smoking on platforms prohibited, p. 560, articles 1419-1420.

Smoking on cars, p. 561, article 1425.

Steam Railroads—**General Ordinances—**

Watchman with signals, p. 696, article 1768.

Penalty, p. 697, articles 1769-1770.

Unlawful to build new tracks or change grade without lines and levels from City Surveyor, p. 697, article 1771.

Speed along river front, p. 698, article 1772.

To ring bells in city limits, p. 698, article 1773.

Speed, p. 698, article 1774.

Standing on or obstructing street crossings, p. 699, article 1775.

Penalty, p. 699, article 1776.

Peddling from cars or at depots unlawful, p. 699, article 1777.

Peddling from platforms, p. 699, article 1778.

Penalty for so doing, p. 700, articles 1779-1780.

Electric signals, p. 700, article 1782.

Penalty, p. 701, article 1784.

Storing cotton near tracks prohibited, p. 997, articles 2653-2656.

Street Railroads—

Vehicles obstructing cars, p. 541, articles 1322-1323.

To run cars all night, p. 701, article 1785.

Speed at Canal street crossings, p. 701, article 1786.

Sheds for starters, p. 701, article 1787.

Bells, p. 701, article 1788.

Certain persons excluded from, p. 702, article 1789.

Obstructing car tracks, p. 702, article 1790.

Fire department excepted, p. 702, article 1791.

Minors prohibited from hanging on cars, p. 702, article 1792.

Duty of police and railroad companies to enforce ordinance, p. 702, article 1793.

Penalties, p. 702, article 1794.

Railroads—*Continued.*

Right to use certain motive power, p. 702, article 1795.
Crossing tracks in front of steam engines, p. 703, article 1796.

Penalty, p. 703, article 1797.

Obstructing drainage, p. 703, article 1799.

Penalty, p. 703, article 1800.

Repairs or construction of buildings, etc., p. 704, article 1801.

Repealing clause, p. 704, article 1802.

Open cars, p. 704, article 1803.

Duty of motormen approaching West End train, p. 704, article 1804.

Penalty for failure to so do, p. 704, article 1805.

Flat wheels, p. 704, article 1805.

Penalty, p. 704, article 1806.

Repealing clause, p. 705, article 1807.

Full stop crossing steam railroad tracks, p. 705, article 1808.

Penalty, p. 705, article 1809.

Not to apply to crossings with gates, p. 705, article 1810.

Construction of track crossings, p. 705, article 1811.

Duty of Commissioner of Public Works, p. 705, article 1812.

Exempting roads to be rebuilt, p. 705, article 1813.

Expense of track crossings, by whom borne, p. 706, article 1814.

New roads to construct crossings, p. 706, article 1815.

Ventilators, p. 706, article 1817.

Penalty, p. 706, article 1818.

To take effect, p. 706, article 1818.

Repair of streets, p. 706, article 1819.

Full stop crossing electric roads, p. 707, article 1820.

Vehicles following cars, p. 1157, articles 3097-3099.

Act 77 of 1886, relative to obstructions and interference with railroads, p. 955.

Act 81 of 1882, sale of franchise and price used for public improvements, p. 956.

Act 133 of 1888, providing summary remedy for enforcement of contracts of corporations, p. 956.

Other acts, p. 957.

Decisions, p. 958.

Track privileges, p. 961.

Steam Railroads—

East Louisiana Railroad—

Right of way and specifications, p. 707, articles 1821-1825.

Railroads—Continued.

Illinois Central Railroad (formerly Chicago, St. Louis & New Orleans Railroad, and New Orleans, Jackson & Great Northern)—

Right of way and specifications, p. 708, articles 1826-1874.

Louisville & Nashville Railroad—

Right of way and specifications, p. 720, articles 1875-1906.

Mississippi Valley Railroad—

Right of way and specifications, p. 768, articles 2008-2029.

Morgan's Louisiana & Texas Railroad and Steamship Company—

Right of way and specifications, p. 731, articles 1907-1964.

New Orleans & Northeastern Railroad—

Right of way and specifications, p. 759, articles 1985-2007.

New Orleans & Southern Railroad—

(Formerly Mississippi, Terre-aux-Bœuf and Lake Railroad.)

Right of way and specifications, p. 775, articles 2030-2033.

New Orleans, Fort Jackson & Grand Isle Railroad—

Right of way and specifications, p. 775, articles 2034-2040.

New Orleans & Western Railroad—

Right of way and specifications, p. 778, articles 2041-2051.

Pontchartrain Railroad Company—

Right of way and privilege, p. 781, articles 2052-2067.

Texas & Pacific Railroad—

Right of way and specifications, p. 751, articles 1965-1984.

Street Railroads—

Algiers & Tunisburg Railroad—

Right of way and privileges, p. 921, articles 2504-2525.

Canal & Claiborne Railroad—

Right of way and privileges, p. 806, articles 2168-2179.

Crescent City Railroad—

Right of way and privileges, p. 860, articles 2307-2393.

Judah Hart No. 1, p. 926, articles 2526-2539.

Judah Hart No. 2, p. 930, articles 2540-2573.

Mississippi, Terre-aux-Bœuf & Lake Railroad Company—

Right of way and privileges, p. 775, articles 2030-2033.

New Orleans & Carrollton Railroad—

Right of way and privilege, p. 785, articles 2068-2167.

Railroads—Continued.

New Orleans City & Lake Railroad—

Rights and privileges, p. 821, articles 2180-2306.

New Orleans, Spanish Fort & Lake Railroad—

Right of way and privileges, p. 906, articles 2454-2460.

Orleans Railroad Company—

Right of way and privileges, p. 893, articles 2394-2453.

Rampart & Dauphine Street Line Railroad, p. 825, articles 2197-2232.

Extension for 50 years, p. 851, articles 2279-2303.

St. Charles Street Railroad—

Right of way and specifications, pp. 911, 952, articles 2461-2490.

Tunisburg & Jefferson Railroad—

Rights and privileges, p. 919, articles 2491-2525.

Belt and Switch Railroads—

New Orleans Belt Railroad, p. 941, articles 2574-2590.

Watkins Railroad, p. 947, articles 2591-2605.

Switch track privileges, p. 950, articles 2606-2613.

Receiving Tanks, p. 656, article 1705.

Record of building permits, p. 168, article 293.

Recorder of Births, Deaths and Marriages, (see "Health"), p. 385.

Recorders—

Court officers, p. 257, article 543.

Court room First Recorder's Court, p. 259, article 547.

Authorized to commit to workhouse and parish prison, p. 649, article 1683.

Six Police Courts organized, statute, p. 969, article 2614.

Jurisdiction of, p. 969, articles 2615-2618.

Election of, p. 969, article 2616.

Clerks, etc., p. 970, article 2616.

Council to provide stationery, p. 970, article 2616.

Police for court, p. 970.

How removed, p. 970.

Fines and penalties, etc., p. 971, article 2619.

Remission of fines, p. 972, article 2622.

Jurisdiction of each court, p. 970, article 2621.

Decisions, p. 972.

Recorders pro tem., p. 971, article 2620.

Decisions, p. 972.

Recorder of Mortgages, p. 973.

Red Lights, p. 563, article 1439.

Red River Packet Co. Landing, p. 1197, article 3237.

Refusal to transport merchandise by vehicles, p. 1149, article 3065.

Refrigerators, dry air, in markets, p. 479, article 1183.

Register of Conveyances, p. 973.

Registration, statute—

Appointment, Supervisor, his duties, powers, salary, etc., p. 974.

Registration, statute—*Continued.*

Council to divide city into election precincts, p. 975.

Books to be kept, oaths, etc., p. 975.

Duty of Criminal Sheriff, p. 977.

Canvassers, their appointment and duties, p. 977.

Registration, p. 978.

Council to provide office, etc., p. 979.

Instructions to police, p. 980.

Book to be open to inspection, p. 980.

Illegal registration, p. 980.

Notice of election, p. 981.

Naturalization, p. 982.

False registration or naturalization, p. 982.

Parish of Orleans, p. 983.

Deceased persons, p. 984.

Act 55 of 1888 amending, p. 986.

Act 58 of 1888 annulling existing registration and providing new, p. 987.

Act 124 of 1894, office in fifteenth ward, p. 988.

Reinspection of privies, p. 658, section 1715.

Reinspection of privies, p. 1160, article 3112.

Religious orders, contract with for schools, prohibited, p. 695.

Releases from pounds, p. 668, articles 1751-1761.

Removals, impeachments and, p. 425, articles 958-963.

Rents, ground, p. 382, articles 813-814.

Repairs, streets, p. 1054, articles 2773-2777.

Repairs, sidewalks, p. 1072, articles 2844-2851.

Rescuing prisoners from police, p. 548, article 1364.

Rescuing animals from pound keepers, p. 669, article 1755.

Restaurants—

To provide price lists, p. 139, article 255.

Charges, p. 139, article 256.

Penalty, p. 139, article 257.

Posting ordinance, p. 139, article 258.

Inspection of materials, p. 139, article 259.

Penalty, p. 139, article 260.

Revenue (see "License and Taxes").

Rice Chaff—

Removal through streets, p. 562, article 1433.

Burning under boilers, p. 988, articles 2623-2624.

Burning to be discontinued, p. 988, article 2625.

Repealing clause, p. 989, article 2626.

Dumping wharf, p. 989, articles 2627-2629.

Dumping wharf, p. 1184, article 3185.

Unlawful to burn in city limits, p. 989, article 2630.

Rice flumes, p. 989, article 2631.

Repealing clause, p. 990, article 2631.

Riding—

On Melpomene, Camp and Coliseum culvert, p. 505, article 1255.

On Camp and Coliseum Culvert, p. 505, article 1256.

On banquettes, p. 1069, articles 2835-2836.

Right and Left Roadways—

St. Charles avenue, p. 1064, articles 2809-2811.

Canal street, pp. 1065-1150, articles 2812-2814-3070-3073.

On streets having neutral grounds, p. 1065, article 2815.

Unlawful to drive except to, p. 1065, articles 2816-2817.

Poydras street, p. 1066, article 2818.

Right of Way—

Fire Department, statute, p. 342.

Fire Department, p. 347, article 720.

Rocheblave Street Market, p. 488, articles 1217-1226.

Rogues and Vagabonds, p. 1144, article 3055.

Roofs—

Plank, p. 352, article 740.

Fireproof in certain limits, p. 353, article 741.

Roofing gutters, p. 175, article 319.

Salaries—

Appropriations, p. 110, article 170.

Transfer of, prohibited, p. 294, article 654.

Selling of fire department prohibited, p. 343.

Garnishment prohibited, p. 990.

Sales—

Barrooms, quantity, p. 136, article 240.

To United States soldiers, liquor, p. 136, article 242.

Fire sales, p. 359, articles 752-753.

Of poison, p. 631, article 1633.

Record of, p. 631, article 1635.

In second-hand stores, p. 990, articles 2632-2638.

Saloons, p. 135, articles 234-254.

Sand—

From batture, p. 441, articles 1012-1019.

Not permitted on levees, p. 441, article 1013.

From batture, p. 544, articles 1339-1340.

Salt landing, p. 1194, article 3227.

Schleider, R. G., garbage system, p. 377, article 789.

Schneckenberger, John, lease lot No. 10, West End, p. 448, articles 1042-1044.

Schools, Public, p. 672.

Scrapings, street, p. 1067, articles 2824-2825.

Seal, city, p. 503, article 1247.

Second-hand Stores—

List of sales and purchases to be furnished to Chief of Police, p. 990, articles 2632-2634.

Second-hand Stores—*Continued.*

Unlawful to buy from minors, p. 991, article 2635.

Stolen goods, p. 991, articles 2636-2637.

Repealing clause, p. 991, article 2638.

Second Street Market, p. 490, articles 1227-1228.

Seventh District Cemetery, p. 203, articles 414, 415.

Sewerage—

Mayor authorized to contract with A. A. Woods, p. 1001, article 2671.

Transfer of franchise, p. 1001, article 2672.

Right, etc., p. 1001, article 2673.

Sewer pipes, p. 1002, article 2674.

Streets and banquettes, p. 1002, article 2675.

Discharges, p. 1003, article 2676.

Public buildings, etc., p. 1003, article 2677.

Commencement and completion, p. 1003, article 2678.

City not to adopt any other system, p. 1004, article 2679.

Extension of works, p. 1004, article 2680.

Charges, p. 1005, article 2681.

Right of city to purchase, p. 1007, article 2682.

Board, p. 1007, article 2683.

Separate existing services to be discontinued, p. 1007, article 2684.

Excavations, p. 1007, article 2685.

Police Regulations—

Unlawful to obstruct or injure pipes, p. 1008, article 2686.

Unlawful to drop or throw substances in pipes, etc., p. 1008, article 2686.

Unlawful to use other systems, p. 1008, article 2686.

Unlawful to build privies, p. 1008, article 2686.

Penalty, p. 1009, article 2687.

Separate offences, p. 1009, article 2688.

Repealing clause, p. 1009, article 2689.

Approving plans and specification of New Orleans Sewerage Company, p. 1010, article 2690.

To be attested by Mayor, p. 1010, article 2691.

Bond, p. 1010, article 2692.

Extension of time, p. 1010, article 2693.

Sextons (see "Cemeteries"), p. 196, articles 380, 407.

Shakspeare Almshouse, p. 68, articles 8-19.

Sheds, p. 128, articles 208-219.

Street railroads, for starters, p. 701, article 1787.

On wharves, to be removed, p. 1184, articles 3181-3183.

Shell Roads (see "Canals"), p. 186.

Sheriff, p. 650.

Ships (see "Wharves"), p. 1221.

Shooting Galleries, pp. 96, 1087, articles 109, 2877.

Shrimps, stalls for sale of, p. 394, article 868.

Sale by peddlers prohibited, p. 394, articles 869-870.

Shutters and windows, p. 183, article 354.

Shutters, iron, pp. 183, 349, articles 357-358-727-728.

Shutters, iron, devices adopted, p. 349, article 730.

Sickles Fund, p. 88, articles 72-78.

Sidewalks—

Bicycles on, p. 154, article 263.

Use of, by builders, p. 179, article 337.

Fire engines not to run on, p. 348, article 725.

Oysters heaped on, p. 547, article 1353.

Throwing fruit and peelings on, p. 566, articles 1450-1452.

Grass on, p. 566, article 1453.

Obstructions, p. 1058, articles 2794-2800.

Trees, p. 1068, articles 2827-2831.

Width in Sixth and Seventh Districts, p. 1069, article 2832.

Driving on, pp. 1069, 1070, articles 2833-2837.

Riding on, p. 1069, articles 2835-2836.

Inspectors, p. 1070.

Grade of, p. 1070, article 2838.

Owners to pay cost of, p. 1071, article 2839.

Repealing clause, p. 1071, article 2840.

City Surveyor to establish uniform grade of, p. 1071, article 2841.

Duty of Commissioner of Public Works, p. 1072, article 2842.

Penalty for failure to comply, p. 1072, article 2843.

Repair of, p. 1072, article 2844.

Penalty for refusal or failure to repair, p. 1072, article 2845.

Material to be used in repair, p. 1072, article 2846.

Owners to be notified to repair, p. 1073, article 2847.

Materials, p. 1073, article 2848.

Grass, weeds, etc., on, p. 1073, article 2849.

Penalty, p. 1073, article 2850.

Duty of police to report violations, p. 1073, article 2851.

Complaint book, p. 1074, article 2852.

Repealing clause, p. 1074, article 2853.

Intersections, p. 1074, article 2854.

Repealing Ordinances Nos. 3973 and 5097, C. S., p. 1074, article 2855.

Penalty, p. 1074, article 2856.

Alignment—

St. Charles avenue, p. 1074, articles 2857-2858.

Tulane avenue, p. 1075, article 2859.

Pavement—

St. Charles avenue, p. 1075, article 2858.

Official notice to property owners, p. 1075, article 2860.

Commissioner of Public Works to notify property owners, p. 1075, article 2861.

Blanks for use of property owners, p. 1075, article 2862.

Sidewalks—*Continued.*

Property owners may construct their own, p. 1076, article 2863.

Repealing clause, p. 1076, article 2864.

Carriage ways to be paved, p. 1078, article 2872.

Carriage ways not to be made of wood, p. 1078, article 2873.

Penalty, p. 1078, article 2874.

Private drains, p. 1078, article 2875.

Penalty, p. 1078, article 2876.

Signs—

Swinging, p. 129, articles 214-216.

Barrooms, p. 136, article 239.

In markets, p. 476, article 1167.

Defacing or injury to street signs, p. 543, article 1336.

Swinging, unlawful, p. 558, articles 1413-1415.

Signals—

Steam railroad at street intersections, p. 696, articles 1768-1770.

Whistles, unlawful in certain limits, p. 698, article 1774.

Electric, p. 700, article 1782.

Sixth Street Market, p. 492, articles 1238-1239.

Slaughterhouses—

Cleanliness, p. 390, article 842.

Permission to operate in Sixth and Seventh Districts, p. 991, article 2639.

New Orleans Abattoir Company, p. 992, articles 2640-2645.

People's Slaughterhouse and Refrigerating Company, p. 994, articles 2646-2649.

Simon Oestary, p. 996, article 2650.

Decisions, p. 996.

Slops—

From boarding houses and hotels, p. 420, articles 933-935.

Emptying in street from galleries, etc., p. 552, article 1382.

Unlawful to throw in street, p. 552, article 1383.

Small-pox, p. 402, articles 900-921.

Smoke Consumers—

Using bituminous coal, p. 555, articles 1399-1400.

Using bituminous coal, p. 998, articles 2659-2660.

Steam engines, etc., p. 1011, articles 2699-2703.

Smoking—

Prohibited on wharves, p. 559, article 1416.

Prohibited in holds or on decks of vessels, p. 559, article 1417.

Prohibited in cotton presses, p. 560, article 1419.

Prohibited on railroad platforms, p. 560, article 1419.

Prohibited in cabins of ferryboats, p. 560, article 1423.

Prohibited on cars, p. 561, article 1425.

Half of fine to informer, p. 561, article 1426.

Smoke Nuisance—

Factories, etc., p. 296, article 664.

Vessels, tugboats, p. 997, article 2651.

Railroads, p. 997, article 2652.

Soap boilers, offensive matter, p. 386, article 821.**Southern Yacht Club—**

Removal, p. 1162, article 3121.

Not affected by Ordinance No. 7142. A. S., p. 446, article 1033.

Mooring place, p. 447, articles 1035-1036.

Term of grant, p. 447, article 1037.

Reservation by city, p. 448, articles 1038-1039.

Repealing clause, p. 448, article 1040.

Southwestern Brush Electric Light Company, p. 279, articles 607-615.**Spark Arresters—**

Vessels, tugboats, etc., p. 997, article 2651.

Railroads, p. 997, article 2652.

Electric light companies, p. 998, articles 2657-2658.

Sparrows, p. 106, article 165.**Speed—**

Steam railroads along river front, p. 698, article 1772.

Steam railroads in city, p. 698, article 1774.

Street railroads at Canal street crossings, p. 701, article 1786.

Illinois Central Railroad, p. 709, article 1832.

Louisville & Nashville Railroad, p. 722, article 1884.

Squatters, their removal, p. 440, article 1009.**Stables and Dairies—**

Combustibles, p. 243, article 500.

Cleanliness, p. 390, article 842.

Limits, p. 998, articles 2661-2662.

Permission of Council, p. 999, article 2663.

Sanitary condition, p. 999, article 2664.

Penalty, p. 1000, article 2665.

Additional offences, p. 1000, article 2666.

Duty of Commissioner of Police and Public Buildings, p. 1000, article 2667.

Repealing certain ordinances, p. 1000, article 2668.

Petition to state whether private or public, p. 1000, article 2669.

Privileges revoked, p. 1000, article 2670.

Decisions, p. 1000.

Stairs (see "Buildings"), p. 182, article 350.**Stalls (see "Markets"), p. 394.****Stands, Tables, etc.—**

In markets, p. 478, article 1175.

On sidewalks, p. 1059, articles 2794-2795.

Stands and stations for vehicles, p. 1152, articles 3078-3082.

Stay of proceedings, taxes, p. 1110, article 2967.

Steam Engines and Boilers—

Permission of Council, p. 1011, article 2694.

Construction, p. 1011, article 2695.

Consent of property owners, p. 1011, article 2696.

Penalty, p. 1011, article 2697.

Repealing certain ordinances, p. 1011, article 2698.

Smoke consumers, p. 1011, article 2699.

Existing steam plants to comply, p. 1012, article 2700.

Duty of City Engineer, p. 1012, article 2701.

Penalty, p. 1012, article 2702.

Repealing clause, p. 1012, article 2703.

Privileges, p. 1012.

Steamboats (see "Wharves"), p. 1225.

Steamships (see "Wharves"), p. 1225.

Steam Whistles, unlawful blowing of, p. 553, articles 1389-1392.

Steps, front (see "Buildings"), p. 183, article 353.

Stolen Goods, p. 991, articles 2636-2637.

Storage of Sugar and Molasses, p. 1089, article 2885.

Stoves and Stovepipes, p. 207, articles 433-441.

St. Bernard Square, p. 624, article 1631.

St. Charles Avenue—

Neutral ground, p. 529, articles 1267-1270.

Board of Commissioners, p. 618, article 1608.

Terms of office, p. 618, article 1609.

Powers and duties, p. 619, article 1610.

Interest in contracts by commissioners, p. 619, article 1611.

Revenues, p. 619, article 1612.

Penalties, p. 620, article 1613.

Control to revert to Commissioners of Audubon Park,
p. 620, article 1614.

Throwing or placing rubbish on street, p. 620, article 1615.

Penalty, p. 620, article 1616.

Repairs by Carrollton Railroad, p. 621, article 1617.

Repealing clause, p. 621, article 1618.

Right and left roadways, p. 1064, articles 2809-2812.

St. Charles Street Railroad Company—

Right of way and specifications, p. 911, articles 2461-2486.

Electric franchise, p. 918, articles 2487-2490.

Specifications, p. 952.

St. Mary's Market—

Repealing ordinances establishing same as wholesale fruit
and vegetable market, p. 486, article 1211.

Setting aside one-half of same for that purpose, p. 487,
article 1212.

Public market to be built, p. 487, articles 1213-1215.

St. Roche Avenue—

Appointing commissioners, p. 609, article 1562.

Straw, p. 244, article 502.

Street pilings, p. 373, article 775.

Streets—

Use of, p. 179, article 337.

Removal of pilings, p. 373, article 775.

Defacing and injuring signs on, p. 543, article 1336.

Carrying away earth, p. 547, article 1354.

Unlawful to tear up more than three blocks, p. 556, articles 1401-1402.

Digging without permission, p. 556, articles 1403-1404.

Hanging clothes out on, shaking carpets, etc., prohibited, p. 563, article 1437.

Sale of groceries in, prohibited, p. 563, article 1438.

Damage to, by roving animals, etc., p. 666, article 1744.

Obstructing crossings, p. 699, article 1775.

Railroads to replace streets in good condition, p. 706, article 1890.

Regulating placing of names on, p. 1024, articles 2704-2705.

Change of names, p. 1024, articles 2706-2707.

Neutral ground Camp street, p. 1038, articles 2708-2709.

Names from Canal street up and Canal street down to be same, p. 1038, article 2710.

Change of names of certain streets, First and Fourth Districts, p. 1038, article 2711.

Change of names, Second and Third Districts, p. 1041, article 2716.

Change of names, First District, p. 1042, article 2717.

Change of names of certain streets, Third and First Districts, p. 1043, articles 2718-2720.

North and south prefixes, p. 1043, articles 2721-2722.

Change of names of certain streets, p. 1044, articles 2723-2734.

Lines of certain streets, p. 1046, articles 2735-2738.

Alignment of certain streets, p. 1047, articles 2739-2765.

Opening of certain streets, p. 1052, articles 2766-2772.

Duty of police to report violations, p. 1062, article 2800.

Grading and Drainage of Gutters—

Regrading of gutters, p. 1062, article 2801.

Curbing, etc., on certain streets, p. 1062, articles 2802-2803.

Material of new work, p. 1062, article 2804.

Wood curbing, p. 1063, article 2805.

Property holders' discretion, p. 1063, article 2805.

To be renewed with stone, etc., p. 1063, article 2805.

Disposal of fine, p. 1063, article 2806.

*Streets—Continued.**Right of Way—*

Hospital ambulance, p. 1064, article 2807.

Rate of speed, p. 1064, article 2808.

Right and Left Roadways—

St. Charles avenue, p. 1064, article 2809.

Penalty, p. 1064, article 2810.

Notice to be posted, p. 1065, article 2811.

Canal street, p. 1065, article 2812.

Penalty, p. 1065, article 2813.

Notices to be posted, p. 1065, article 2814.

Streets having Neutral Grounds, p. 1065, article 2815.

Unlawful to ride or drive, except to, p. 1065, article 2816.

Penalty, p. 1065, article 2817.

Poydras street, p. 1066, article 2818.

Unlawful for vehicles without springs to drive on certain streets, p. 1066, articles 2819-2820.

Street pilings, p. 1066, article 2821.

Penalty, p. 1066, article 2822.

Dumping grounds, p. 1067, article 2823.

Street scrapings, etc., p. 1067, article 2824.

Penalty, p. 1067, article 2825.

Obstructions of—

Depositing goods, etc., on, p. 1058, article 2794.

Stands on sidewalks, p. 1059, article 2794.

Advertising boards, p. 1059, article 2795.

Penalty, p. 1060, article 2795.

Unclaimed goods, p. 1060, article 2796.

Buildings, repairing, erecting, etc., p. 1060, article 2797.

Duty of Commissioner of Public Works, p. 1061, article 2797.

Builders to remove stone, brick, mortar, etc., p. 1061, article 2798.

Debris to be removed by Department of Improvements, p. 1061, article 2799.

Repealing clause, p. 1068, article 2826.

Trees—

May be planted when, p. 1068, article 2827.

Penalty for cutting, breaking, etc., p. 1068, article 2828.

Unlawful to replant on banquettes, p. 1068, article 2829.

Permission to cut trees on Canal street, p. 1068, article 2830.

Repealing clause, p. 1068, article 2831.

Vehicles to move for cleaning, p. 1154, article 3083.

Sidewalks, p. 1069, articles 2832-2867.

Streets—Continued.

- Obstructing gutters, p. 1077, articles 2868-2876.
- Mayor authorized to remove obstruction closing streets, statute, p. 1079.
- Unlawful to tear up streets at certain periods of the year, statute, p. 1079.
- Decisions, p. 1080.

Street Improvements—

- Streets not to be torn up longer than twenty days, p. 1054, article 2773.
- Duty of Administrator of Improvements to have streets properly repaired, p. 1054, article 2774.
- Failure to make repairs after notification, p. 1055, article 2775.
- Duty of Administrator of Improvements, p. 1055, article 2776.
- Repealing clause, p. 1055, article 2777.
- Cost of petition for street or sidewalk improvements, p. 1055, article 2778.
- Henry Clay avenue, p. 1055, articles 2779-2780.
- Standard of vitrified brick, p. 1056, articles 2781-2782.
- Property holder to designate kind of pavement, p. 1056, article 2783.
- Specifications for gravel, p. 1057, articles 2784-2785.
- Washington avenue, p. 1057, articles 2786-2789.
- Paving Decatur street, p. 1058, articles 2790-2791.
- Intersection across St. Charles avenue, p. 1058, articles 2792-2793.
- Subrogation of city's liens and mortgages, p. 1133, article 3025.
- Sugar Exchange Park—
 - Boundaries, commissioners, powers, etc., p. 621, articles 1619 1621.
- Sugar Experimental Station—
 - Terms of agreement, p. 594, article 1500.
- Sugar and molasses landing, p. 1193, articles 3223-3224.
- Sugar Sheds—
 - Appraisalment, p. 1087, article 2878.
 - Indebtedness to city, p. 1087, article 2878.
 - Comptroller to advertise, p. 1088, article 2880.
 - Deposit, p. 1088, article 2881.
 - Agreement, p. 1088, article 2882.
 - Additions and alterations, p. 1089, article 2883.
 - Charges, p. 1089, article 2884.
 - Storage of goods, p. 1089, article 2885.
 - Sugar and molasses, preference, p. 1089, article 2886.
 - Bond, p. 1089, article 2887.
 - Payments, p. 1090, article 2888.
 - Insurance, p. 1090, article 2889.

Sugar Sheds—*Continued.*

- Reversion to city, p. 1090, article 2890.
- To defend all suits against city, p. 1090, article 2891.
- Grant to D. B. Fleitas, p. 1091, article 2893.
- Conditions of grant, p. 1091, article 2894.
- Privileges, p. 1093, article 2895.
- Consent of owners, p. 1093, article 2896.
- Number of sheds, p. 1094, article 2897.
- Security, p. 1094, article 2898.
- Wharfinger to enforce ordinance, p. 1094, article 2899.
- Distance from wharf, p. 1094, article 2900.
- Opening street, p. 1094, article 2901.
- Contract and Specifications—
 - Notarial act, p. 1095, article 2902.
 - Term of grant, p. 1095, article 2903.
 - Conditions, p. 1096, articles 2904-2908.
 - Charges, p. 1096, article 2904.
 - Obligations of contractor, p. 1097, article 2909.

Superintendent of Education, p. 690.

- Decisions, statute, p. 678.

Superintendent of Police, statute, p. 642.

Supervisor of Registration, p. 974.

Sureties—

- To possess real estate, p. 156, article 267.
- On contracts to possess real estate, p. 253, article 520.

Surgery (see "Medicine," etc.), p. 506.

Surveyor, City—

- City Engineer, p. 1098.
- Duties and salary, p. 1098, article 2910.

Deputy Surveyors—

- Their duties and compensation, p. 1098, article 2911.
- Copies of surveys to be filed in office, p. 1099, article 2912.
- Supervision of Surveyor, p. 1099, article 2913.
- Surveyor to report failures of deputies to comply with ordinance, p. 1099, article 2914.
- Specifications to embody license clause, p. 1099, article 2915.
- Surveys and maps, city property, p. 1100, article 2917.
- Surveys Sixth Municipal District, p. 1100, article 2918.
- To test water of New Orleans Waterworks Company, p. 1172, article 3150.
- Duty and salary of, p. 181, articles 345-347.
- Approval of contracts, p. 254, article 522.
- Drainage, and his duties, p. 266, articles 570-585.
- Advisors or consulting engineers, p. 269, article 586.
- House numbering, p. 422, article 956.
- Duties Orleans Levee Board, p. 434.

Surveyor, City—*Continued.*

- Protection of levees, p. 436, article 1000.

- West End levees, p. 445, article 1030.

- To inspect storage of lime, p. 472, article 1156.

- Smoke consumers, p. 1012, article 2701.

Surveys and maps, city property, p. 1100, article 2917.

Swallows, p. 106, article 161.

Swamp Lands, p. 661, article 1725.

Sweeney, Jas., transfer of lease of wharves, p. 1233, article 3345.

Swinging signs, p. 558, articles 1413-1415.

Switch Tracks—

- Privileges forfeited in sixty days, p. 951, article 2607.

- Must be constructed within sixty days, p. 951, article 2608.

- Plans and specifications to be submitted, p. 951, article 2609.

- To plank between tracks, p. 951, article 2612.

- Privileges, p. 961.

Tables, stands in markets, p. 478, article 1175.

Tags—

- For dogs, p. 98, article 120.

- Counterfeiting, p. 99, article 121.

- Renewing, p. 99, article 122.

- Redemption, p. 100, article 127.

Tombolas—

- Prohibited in vicinity of market, p. 563, articles 1435-1436.

Tanneries, p. 296, articles 661-665.

Tar, p. 244, article 498.

Taxation—

- Property subject to, p. 110, article 169.

- Property purchased by city for, p. 661, article 1728.

- Comptroller to sell property, p. 661, article 1731.

- Reference to article Constitution, p. 1100.

- Reference to City Charter, p. 1101.

- Taxing power, p. 1101, article 2919.

Tax Mortgage Bureau—

- Duty of City Treasurer, p. 1101, article 2920.

- Assistants, p. 1101, article 2921.

- Duty of chief clerk and assistants, p. 1101, article 2922.

- Salaries, p. 1101, article 2923.

- Books, p. 1102, article 2924.

- Collections, p. 1102, article 2925.

- Seizures, p. 1102, article 2926.

- Bids must equal taxes, p. 1102, article 2927.

- Possession by city, p. 1103, article 2928.

- Duty of Comptroller, p. 1103, article 2929.

- Interest on taxes, p. 1103, article 2930.

- Transfer of property, p. 1103, article 2931.

- Errors, p. 1103, article 2932.

- Repealing clause, p. 1104, article 2933.

Taxation—*Continued.*

Tax sales, p. 1104, article 2934.

Fees and charges, p. 1104, article 2935.

Repealing clause, p. 1104, article 2936.

Personal Tax Bureau—

Separate tax bills, p. 1105, article 2937.

Two assistant city attorneys, p. 1105, article 2938.

Clerks and keeper, p. 1105, article 2938.

Duty of City Attorney, p. 1105, article 2939.

Duty of Comptroller and Treasurer, p. 1106, article 2940.

Expenses, p. 1106, article 2941.

Real and personal taxes, p. 1106, article 2942.

Costs, p. 1106, article 2943.

Redemption fee, p. 1106, article 2944.

Remission of interest, p. 1106, article 2945.

Petitions, p. 1106, article 2946.

Duty of City Treasurer, p. 1106, article 2947.

Existing ordinances, p. 1107, article 2948.

Duty of Comptroller to report all tax researches, p. 1107, article 2948.

Property bought for taxes, p. 1107, article 2949.

Taxes prior to 1869, p. 1107, article 2950.

Certificates and releases, p. 1107, article 2951.

Chief clerk authorized to sign, p. 1107, article 2952.

Charges, p. 1107, article 2953.

Daily returns, p. 1108, article 2954.

Repealing clause, p. 1108, article 2955.

Amending Ord. No. 4002, C. S., p. 1108, article 2956.

Budget committee authorized to adjust certain taxes, p. 1108, article 2957.

Insurance, p. 1108, article 2958.

Possession of property, p. 1108, article 2959.

Repealing Ord. No. 4610, C. S., p. 1109, article 2960.

Delinquent tax account, p. 1109, article 2961.

Ordinances remitting taxes null after certain time, p. 1109, article 2962.

Committee No. 3 to settle taxes, p. 1109, article 2963.

Taxes prior to 1890, p. 1109, article 2965.

Treasurer, Mayor and Chairman of Budget Committee authorized to settle taxes, p. 1110, article 2966.

Stay of proceedings, p. 1110, article 2967.

Board of Liquidation to enforce payment of taxes prior to 1879, p. 1110, article 2968.

Decisions, p. 1110.

Tchoupitoulas & New Levee Street Line Railroad—

Right of way, p. 861, articles 2310-2331.

Extension of fifty years, p. 885, articles 2367-2393.

Teachers—

To prevent spread of contagious diseases, p. 397, articles 880-894.

Providing for payment of back pay, p. 672, articles 1764-1767.

Appointments, etc., statute, p. 689.

Telegraph Companies—

Erection of poles, p. 636, articles 1658-1665.

American Union Telegraph Company, p. 1115, articles 2969-2971.

Atlantic and Pacific Telegraph Company, p. 1116, article 2972.

Baltimore and Ohio Telegraph Company, p. 1116, articles 2973-2981.

Chas. E. Black and associates, p. 1119, articles 2982-2996.

Postal Telegraph Company, p. 1122, articles 2997-2999.

Telephone Companies—

Connection with Fire Department, p. 346, article 717.

Erection of poles, p. 634, articles 1649-1657.

S. P. Walmsley and associates, p. 1124, articles 3002-3012.

New Orleans Telephone Company, p. 1124, articles 3000-3001.

A. P. Moss and others, p. 1128, articles 3015-3024.

Great Southern Telephone and Telegraph Company, p. 1127, articles 3013-3014.

Acts of Legislature, p. 1131.

Revised Statutes.

Right of way, p. 1131.

Duty of Telegraph Company to transmit message, p. 1131.

Penalty for failure to do so, p. 1132.

Penalty for injuring telephone lines, p. 1132.

Penalty for failing or refusing to send messages, p. 1132.

Messages defeating ends of justice, p. 1132.

Texas & Pacific Railroad Company—

Right of way, p. 751, articles 1965-1984.

Wharf privileges, p. 1208, articles 3274-3275.

Theatres (see "Amusements")—

Diagram of exits to be printed, p. 96, article 110.

Penalty, p. 97, article 111.

Duty of police, p. 97, article 112.

False alarms in, p. 298, article 671.

Tivoli Circle, name changed to Lee, p. 611, article 1575.

Topographical survey, p. 266, articles 574-579.

Torpedoes, p. 243, article 498.

Touts, statute, p. 120.

Towers, Cable—

Electric lights, p. 471, article 1147.

Climbing, injuring, defacing, p. 564, articles 1440-1441.

Towers. Cable—*Continued.*

- Franchise, p. 1134, article 3031.
- Construction, p. 1135, article 3032.
- Location, p. 1135, article 3033.
- Divided into sections and charges, p. 1135, article 3034.
- Trunk lines, p. 1136, article 3035.
- Commencement and completion, p. 1136, article 3035.
- Removal of posts, p. 1136, article 3036.
- Wires to be removed to, p. 1136, articles 3037-3038.
- Use of towers without consent prohibited, p. 1137, article 3039.
- Duty of police, p. 1137, article 3040.
- Amount to be paid to city, p. 1137, article 3041.
- Water pipes, p. 1138, article 3041.
- Organization of stock company, p. 1138, article 3042.
- Access to books by City Treasurer, p. 1138, article 3043.
- Bond, p. 1138, article 3044.
- City to be held harmless, p. 1138, article 3045.
- Lights on towers, p. 1139, article 3046.
- Mayor to contract, p. 1139, article 3047.
- Other ordinances, p. 1139.

Tramps (see "Vagrants"), p. 564, article 1443.

- In squares, parks, etc., p. 564, article 1443.

Transfers, p. 294, articles 652-657.

- Transfer of property by notaries, unless taxes are paid, prohibited, p. 1103, article 2931.

Transportation of Merchandise—

- Refused by vehicles, p. 1149, article 3066.

Treasurer—

- To make list of property purchased for taxes, p. 662, article 1730.
- Ex-officio* member of School Board, p. 691.
- Ex-officio* Treasurer of School Board, p. 691.
- Tax mortgage office, duty of, p. 1101, article 2920.
- Personal tax bureau, duty of, p. 1106, article 2940.
- Ordinances remitting interest, duty of, p. 1107, article 2947.
- Subrogation of city's liens and mortgages, duty of, p. 1133, article 3025.
- Property purchased by city for taxes, duty of, p. 1133, article 3026.
- Costs, penalties, etc., p. 1133, article 3027.
- Property adjudicated to city, duty of, p. 1134, article 3028.
- Poll tax, collection by, statute, p. 1134.
- Access to books of Cable Towers Company, p. 1138, article 3043.
- To set aside funds of Waterworks Company, p. 1167, article 3129.

Trees—

- Where planted, p. 1068, article 2827.
- Penalty for cutting, etc., p. 1068, article 2828.
- Replanting on banquettes prohibited, p. 1068, article 2829.
- Permission to Canal & Claiborne Railroad Company to cut on Canal street, p. 1068, articles 2830-2831.

Trespass, on another's lands, p. 554, article 1393.

Triton Walk—

- Appointing board of commissioners, p. 609, article 1563.
- Powers of commissioners, p. 609, article 1564.

Trust Funds, p. 72, articles 32-78.

Tubs, covered, in markets, p. 478, article 1175.

Tulane Avenue—

- Creating neutral ground, p. 531, articles 1282-1283.

Tulane Park—

- Boundaries and Commissioners, p. 622, article 1622.
- Lines and levels, p. 622, article 1623.
- Amending Ordinance No. 744, C. S., p. 622, article 1625.
- Appointment of Commissioners, p. 622, article 1626.
- Plans approved, p. 623, article 1627.

Tunisburg & Jefferson Railroad—

- Right of way, p. 919, articles 2491-2525.

Touro Almshouse, p. 70, articles 20-22.

Turpendine, p. 244, article 501.

Unknown Property, p. 660, article 1721.

United States Courts—

- Disturbing, etc., p. 1158, articles 3102-3103.

United States Prisoners, p. 651.

United States Soldiers—

- Sale of liquor to, p. 136, article 242.

Ursuline Avenue—

- Neutral grounds, p. 530, articles 1275-1278.
- Management and control, p. 619, articles 1565-1574.

Vacancies—

- Fire Commissioners, statute, p. 340.
- School Board, statute, p. 687.
- City officers, statute, p. 1139.

Vacant Houses (see "Offences"), p. 555, articles 1396-1398.

Vagabonds and Rogues, p. 1144, article 3055.

Vagrants and Idle Persons—

- Definition of, p. 1139, article 3048.
- Police to make arrests, p. 1140, article 3048.
- Penalty, p. 1141, article 3048.
- Harboring burglars, thieves, etc., p. 1141, article 3049.
- Lounging in public parks, p. 564, article 1443.

Vagrants and Idle Persons—*Continued.*

Juvenile—

- Definition, p. 1141, article 3050.
- Definition, p. 419, article 928.
- Punishment, p. 1142, article 3051.
- House of Refuge. p. 419, article 929.
- Duty of police, p. 1142, article 3052.
- Duty of City Attorney, p. 1142, article 3053.

Idle Persons—

- Move on, p. 1142, article 3054.
- Not to loiter in front churches and theatres, p. 1143, article 3054.
- Definition of idle and disorderly persons. p. 1143, article 3054.
- Penalty, p. 1143, article 3054.

Rogues and Vagabonds, p. 1144, article 3055.

- Duty of police, p. 1145, article 3055.
- Penalty, p. 1145, article 3055.

Revised Statutes—

- Definition of vagrants, p. 1146.
- Adult, how dealt with, p. 1146.
- Juvenile, how dealt with, p. 1146.
- Who shall be reputed, etc., p. 1147.
- Second offence, p. 1147.
- Penalty for harboring, p. 1147.

Valence Cemetery, p. 203, articles 416, 417.

Vats, for urine or overflow, p. 657, article 1707.

Vaults, cleaning, p. 1164.

Vegetables, time of cleaning, p. 478, article 1176.

Vehicles—

- Unlawful to stand on reytment at West End, p. 540, articles 1315-1316.
- Gongs, attached, prohibited, p. 540, articles 1317-1318
- Illegal use of license plate, p. 541, articles 1319-1321.
- Obstructing street cars, p. 541, articles 1322-1323.
- Drivers using violent and insulting language, p. 541, article 1324.
- Standing around parks, squares, etc., prohibited, p. 565, article 1446.
- Without license plates, impounded. p. 670, article 1759.
- Without springs, unlawful to use certain streets, p. 1066, articles 2819-2820.
- To be numbered, p. 1147, article 3057.
- Cost of numbers, p. 1147, article 3058.
- Penalty, p. 1148, article 3059.
- License plates of other years, p. 1148, article 3060.
- Defaced numbers, p. 1148, article 3061.
- License plates, p. 1148, article 3062.

Vehicles—Continued.

- Lamps, p. 1148, article 3063.
- Officers' duty, p. 1148, article 3064.
- Refusal to transport merchandise, p. 1149, article 3065.
- What constitutes load, p. 1149, article 3066.
- Penalty for overloading, p. 1150, article 3068.
- Jurisdiction of Recorder, p. 1150, article 3069.
- City carts, p. 1150, article 3070.
- To keep to right and left, p. 1151, article 3071.
- Penalty, p. 1151, article 3072.
- Sign-boards to be posted, p. 1151, article 3073.
- Driving over certain bridges other than a walk, p. 1151, article 3074.
- Ordinance to be posted, p. 1151, article 3075.
- Duty of police, p. 1151, article 3076.
- Duty of City Surveyor, p. 1152, article 3077.
- Stations and Stands—
 - First District, p. 1152, article 3078.
 - Second District, p. 1152, article 3079.
 - Third District, p. 1153, article 3080.
- Penalty, p. 1153, article 3081.
- Position of stands, p. 1153, article 3082.
- To remove for cleaning streets, p. 1154, article 3083.
- Not to stand on Chartres and Royal streets, p. 1154, article 3084.
- Stands on cross streets, p. 1154, article 3085.
- Duty of Chief of Police, p. 1154, article 3086.
- Not to remain idle on street, p. 1155, article 3087.
- To remove offal, p. 1155, article 3088.
- Penalty, p. 1155, article 3089.
- Rate of charges, p. 1155, article 3090.
- Rate from sunrise to midnight, p. 1156, article 3091.
- Penalty, p. 1156, article 3092.
- To post ordinance in vehicle, p. 1156, article 3093.
- To drive in a walk past French Market, p. 1156, article 3094.
- Position of plates, p. 1157, article 3095.
- Lights, p. 1157, article 3096.
- Following cars, p. 1157, article 3097.
- Stops, p. 1157, article 3098.
- Penalty, p. 1157, article 3099.
- Repealing clause, p. 1158, article 3100.
- Obstructing carnival processions, p. 1158, article 3101.
- Disturbing U. S. Courts, p. 1158, article 3102.
- Penalty, p. 1158, article 3103.
- Prohibited on woodwork of wharves, p. 1184, article 3186.
- Drays, carts, etc., prohibited on wooden part of wharves, p. 1185, articles 3188-3189.
- Ventilation on cars, p. 706, articles 1817-1818.

Vessels—

- Sale of liquors on, p. 473, articles 1158-1159.
- Smoking on decks in hold of, p. 559, article 1417.
- Mooring in front of the waterworks pipes and cribs, p. 1170, articles 3143-3146.
- Acts of Legislature, p. 1159.
 - To moor where directed, p. 1185, article 3190.
 - Penalty for refusing, p. 1185, articles 3191-3192.

Vicious Dogs—

- At large, p. 98, article 118.
- Duty of Commissioner of Police and Public Buildings, p. 100, article 130.

Vidangeurs—

- Regulating the conveying of, p. 1159, article 3104.
- Officers charged to enforce ordinance, p. 1159, article 3105.
- Dumping fecal matter, p. 1159, articles 3106-3111.
- Time and manner, p. 1159, article 3107.
- Odorless apparatus, p. 1160, article 3108.
- Penalty, p. 1160, article 3109.
- Disinfection, p. 1160, article 3110.
- Reinspection, p. 1160, article 3112.
- Boats for carrying off fecal matter, p. 1161, article 3113.
- Penalty, p. 1161, article 3114.
- Permission to Messrs. J. J. Keegan and R. B. Benton, p. 1161, article 3115.
- Permission to establish wharf, p. 1161, article 3116.
- Bond, p. 1161, articles 3117-3122.
- Water-tight barges, p. 1162, article 3118.
- Consideration, p. 1162, article 3119.
- Duty of officer, p. 1162, article 3120.
- Southern Boat Club, p. 1162, article 3121.
- Nuisance Wharves—
 - At disposal of, p. 1163, article 3123.
 - Keeping or throwing any offensive matter upon any yard, lot, etc., p. 1163, article 3124.
 - Commissioner of Police to remove all offensive matter, p. 1164, article 3125.
 - Act 84, of 1877 E. S., of regulating cleaning of vaults and privies, p. 1164.

Wagons, for vegetables, at markets, p. 480, article 1186.

Walker, Jos. A., et als., electric motor, p. 291, article 651.

Walls—

- Construction, p. 169, articles 298-307.
- Party walls, p. 169, article 298.

Walmsley, S. P., and associates—

- Franchise and right of way, telephone, p. 1124, articles 3002-3012.

Wardens and Masters, statute, p. 499.

Wards (see "City Charter")—

Precincts, boundaries, p. 158, articles 275-291.

Washington Avenue Market, p. 491, articles 1231-1236.

Washington Cemetery, p. 203, article 418.

Washington Square—

Appointing commissioners, etc., p. 623, article 1628.

Watchmen, private, p. 644, article 1667.

Water, stagnant, p. 394, article 865.

Water supply, p. 178, article 333.

Cisterns, p. 209, articles 442, 443.

500 gallons, p. 391, article 850.

Owners and agents to furnish, p. 392, article 852.

Waterworks—

Franchise to New Orleans Waterworks Company, p. 1165, articles 3126-3132.

Duty of Commissioners of Markets, p. 1168, article 3133.

Night watchmen to arrest persons opening fire plugs at night, p. 1168, article 3134.

Unlawful for unauthorized persons to use water, p. 1169, article 3135.

Attachment to mains, p. 1169, article 3136.

Wasting, p. 1169, article 3137.

Used otherwise than specified, p. 1169, article 3138.

Valves or stop boxes, p. 1170, article 3139.

Unlawful to keep or own keys or spanners, p. 1170, article 3140.

Bathing in reservoirs prohibited, p. 1170, article 3141.

Duty of Police, p. 1170, article 3142.

Vessels mooring in front of pipes prohibited, p. 1170, article 3143.

Penalty, p. 1170, article 3144.

Mooring vessels in front of crib prohibited, p. 1171, article 3145.

Repealing clause, p. 1171, article 3146.

Duty of City Attorney in suit of Conery vs. New Orleans Waterworks Company, p. 1171, article 3147.

Authority to City Attorney to act, p. 1172, article 3148.

Repealing clause, p. 1172, article 3149.

City Surveyor to test water daily, p. 1172, article 3150.

To report to Council, p. 1172, article 3151.

Fifth Municipal District—

Agreement with E. L. Bemis to organize Waterworks Company in Fifth District, p. 1177, article 3157.

Consent of city, p. 1178, article 3159.

Charges, p. 1178, article 3160.

Mayor member of Board of Directors, p. 1178, article 3161.

Repealing clause, p. 1178, article 3162.

Watson, Thos. W., accepting proposition of, p. 661, article 1723.

Weapons, in places of amusement, p. 91, articles 89-91.

Weights and Measures—

In markets, p. 480, article 1185.

Acts of Legislature, p. 1244.

Wells, unlawful to sink on bakery premises, p. 134, articles 231-233.

West End revetment levee, p. 443, articles 1021-1070.

Wharfingers—

To remove rafts, vessels, etc., p. 439, article 1002.

To prevent injury to and obstruction of levees, p. 439, article 1006.

Duty of, pp. 1179-1182, articles 3163-3164, 3174-3175.

Penalty for violating or refusing to obey orders of, pp. 1180-1185, articles, 3165-3190-3192.

To remove merchandise from wharves, p. 1180, article 3166.

Wharves—

Smoking on, prohibited, p. 559, article 1416.

Dump, rice chaff, p. 989, articles 2627-2629.

Nuisance, p. 1163, article 3123.

Garbage, p. 377, article 791.

Obstructions—

Storing ballast, p. 1181, article 3167.

Duty of Commissioner of Public Works, p. 1181, article 3168.

Penalty for failure to remove, p. 1181, article 3169.

Duty of contravention clerk, p. 1182, article 3170.

River sand, planks, etc., p. 1182, article 3172.

Unlawful to injure or damage levees, p. 1182, article 3173.

Duty of wharfingers, p. 1182, article 3174.

Penalty, p. 1182, article 3175.

Duty of Commissioner of Commerce, p. 1182, article 3176.

Removal of wares, p. 1183, article 3177.

Notice dispensed with, when, p. 1183, article 3178.

Other powers, Administration of Commerce, p. 1183, article 3179.

Penalty, p. 1183, article 3180.

Sheds, booths, etc., to be removed, p. 1184, article 3181.

Penalty, p. 1184, article 3183.

Police Regulations—

Public dump, p. 1184, article 3184.

Unlawful to deposit rice chaff, etc., p. 1184, article 3185.

Wharves—Continued.

- Cabs on woodwork, p. 1184, article 3186.
- Guide posts, p. 1185, article 3187.
- Drays, carts, etc., on wooden part of, p. 1185, article 3188.
- Penalty, p. 1185, article 3189.
- Vessels to moor where directed, p. 1185, article 3190.
- Penalty for refusing or neglect, p. 118, article 3191.
- Penalty for refusing to obey orders of wharfinger, p. 1186, article 3192.
- Lay charges, p. 1186, article 3193.

Landings—

- Ballast, p. 1186, article 3194.
- Barges, p. 1187, article 3196.
- Coal, p. 1187, article 3197.
 - Consent of Council for use of levee required, p. 1187, article 3198.
 - Landing defined, p. 1187, article 3199.
 - Lambert & Co., Hebrard & Rea and H. I. Montagnet, p. 1188, articles 3200-3202.
 - Denegre & Villere, Desforges, Montagnet & Co., A. Lambert & Co., p. 1188, articles 3203-3205.
 - W. G. Coyle & Co., C. A. Miltenberger & Co., B. D. Wood & Bros., W. G. Wilmot & Co., William Lee, p. 1189, article 3206.
 - Transfer to W. G. Coyle & Co., Jas. Sweeney, Wood, Schneidau & Co. and Fred. B. Nunn, p. 1189, article 3207.
 - N. O. & N. E. R. R. Co., p. 1190, article 3208.
 - N. O. and Alabama Coal and Mining Co., p. 1190, articles 3209-3212.
 - La. Electric Light and Power Co., p. 1191, articles 3213-3215.
 - B. D. Wood & Sons, Desforges & Jung, p. 1192, articles 3216-3218.
- Cotton, p. 1192, article 3219.
- Lugger, p. 1192, articles 3220-3221.
- Lumber and timber, p. 1192, article 3222.
- Molasses and sugar, p. 1193, articles 3223-3224.
- Produce, p. 1193, articles 3225-3226.
- Salt, p. 1194, article 3227.

Privileges—

- Must repair approaches, p. 1194, article 3228.
- Mississippi Valley Trans. Co., p. 1194, articles 3229-3236.
- Red River Packet Landing, p. 1197, article 3237.
- I. C. R. R. (C., St. L. & N. O. R. R.), p. 1197, articles 3238-3244.

Wharves—*Continued*.

- T. & G. Forwood, p. 1200, articles 3245-3252.
- L. & N. R. R. Co., p. 1201, articles 3253-3261.
- I. C. and L. & N. R. R. Cos., p. 1204, articles 3262-3266.
- Cromwell Line, p. 1207, articles 3267-3273.
- N. O. Pac. R. R. Co., p. 1208, articles 3274-3275.
- N. O. & N. E. R. R. Co., p. 1209, articles 3276-3279.
- N. O. Elevator and Warehouse Co., p. 1212, articles 3280-3289.

Wharf Lease—

- First, Second, Third and Fourth Districts.
 - Advertisement, p. 1214, article 3289.
 - Revenues, p. 1214, article 3290.
- Boundaries of wharves, p. 1217, article 3302.
- Boundaries of landings, p. 1217, article 3303.
- Acceptance of present condition of wharves, p. 1218, article 3304.
- Repairs, p. 1219, article 3305.
- Quality of material, p. 1219, article 3306.

Specifications for Wharves—

- For boats, p. 1220, article 3307.
- For ships, p. 1221, article 3308.
- For steamships, p. 1221, article 3309.
- Construction, p. 1222, article 3310.
- Additional wharves, p. 1222, article 3311.
- To put landings in good condition, p. 1223, article 3312.
- Bulkheads and revetments, p. 1223, article 3313.
- Electric lights, p. 1224, article 3314.
- Subdivisions of wharf front, p. 1224, article 3314.

Landings—

- Steamships and sailing vessels, p. 1225, article 3315.
- Coal boats, 1225, article 3315.
- Barges, p. 1225, article 3315.
- Steamboats, p. 1225, article 3315.
- Steamships, p. 1226, article 3315.
- Luggers, p. 1226, article 3315.
- Supervision of work, p. 1226, article 3317.
- Commencement of work, p. 1226, article 3318.
- Penalty for failure, p. 1226, article 3319.
- Reservation of rights of city, p. 1227, article 3320.
- Regulations, p. 1227, article 3321.
- Damages, p. 1227, article 3322.
- Annulment of contract, p. 1227, article 3323.
- Release, p. 1228, article 3324.
- Expenditures, monthly instalments, p. 1228, article 3325.
- Bond, p. 1228, article 3326.

Wharf Lease—Continued.

Not to sell, transfer, etc., without consent of city, p. 1229, article 3329.

Annual statement, p. 1229, article 3330.

Deposit with bid, p. 1229, article 3331.

Extension of special leases, p. 1230, article 3332.

Surrender of contract, p. 1230, article 3333.

Repealing clause, p. 1230, article 3334.

Amending section 15, Ordinance 5256, C. S., p. 1230, articles 3335-3336.

Mayor authorized to sign, p. 1230, article 3337.

Transfer to Louisiana Construction and Improvement Company, p. 1231, article 3338.

Rates of Charges—

Ships, steamships, and other docked vessels, p. 1214, article 3291.

Ships or sail vessels, p. 1215, article 3292.

Steamboats, p. 1215, article 3293.

Boats, p. 1215, article 3293.

Barges, p. 1215, article 3294.

Flatboats and barges, p. 1215, article 3295.

Qualifications, p. 1216, article 3296.

Charges for landing, p. 1216, article 3297.

Pirogues, p. 1216, article 3298.

Towboats, p. 1216, article 3299.

Vessels transporting lumber, brick, etc., p. 1216, article 3300.

Grain barges, p. 1217, article 3301.

Ocean steamships, p. 1217, article 3302.

Vessels in ballast, p. 1217, article 3303.

Half rates to vessels in distress, p. 1226, article 3316.

Fifth District—

Dedication, p. 1231, article 3339.

Survey of river front, p. 1231, article 3340.

Construction of wharves, p. 1232, article 3341.

Sixth and Seventh District Charges—

Character of craft, p. 1232, article 3342.

Rates per trip, p. 1232, article 3342.

Rates per month, p. 1232, article 3342.

Rights of lessee not impaired, p. 1233, article 3343.

Lease to Geo. S. Pettit, p. 1233, article 3344.

Transfer to Jas. Sweeney, p. 1233, article 3345.

Privileges, p. 1233.

Wheels, flat, on cars, p. 704, articles 1805-1806.

Whistles, police, unlawful to blow, p. 546, article 1351.

Whistles, Steam—

Blowing on certain streets prohibited, p. 553, articles 1389-1390.

Whistles, Steam—*Continued.*

Blowing between certain hours prohibited, p. 554, article 1390.

Unlawful for railroads to blow in certain limits, p. 698, article 1774.

Louisville & Nashville Railroad, p. 723, article 1884.

Wild animals, p. 103, articles 144-145.

Wild beasts, p. 106, article 163.

Windows and shutters, p. 183, article 354.

Wires, electric light, p. 469, article 1139.

Workhouse (see "Prisons and Jails"), p. 648, articles 1666-1687

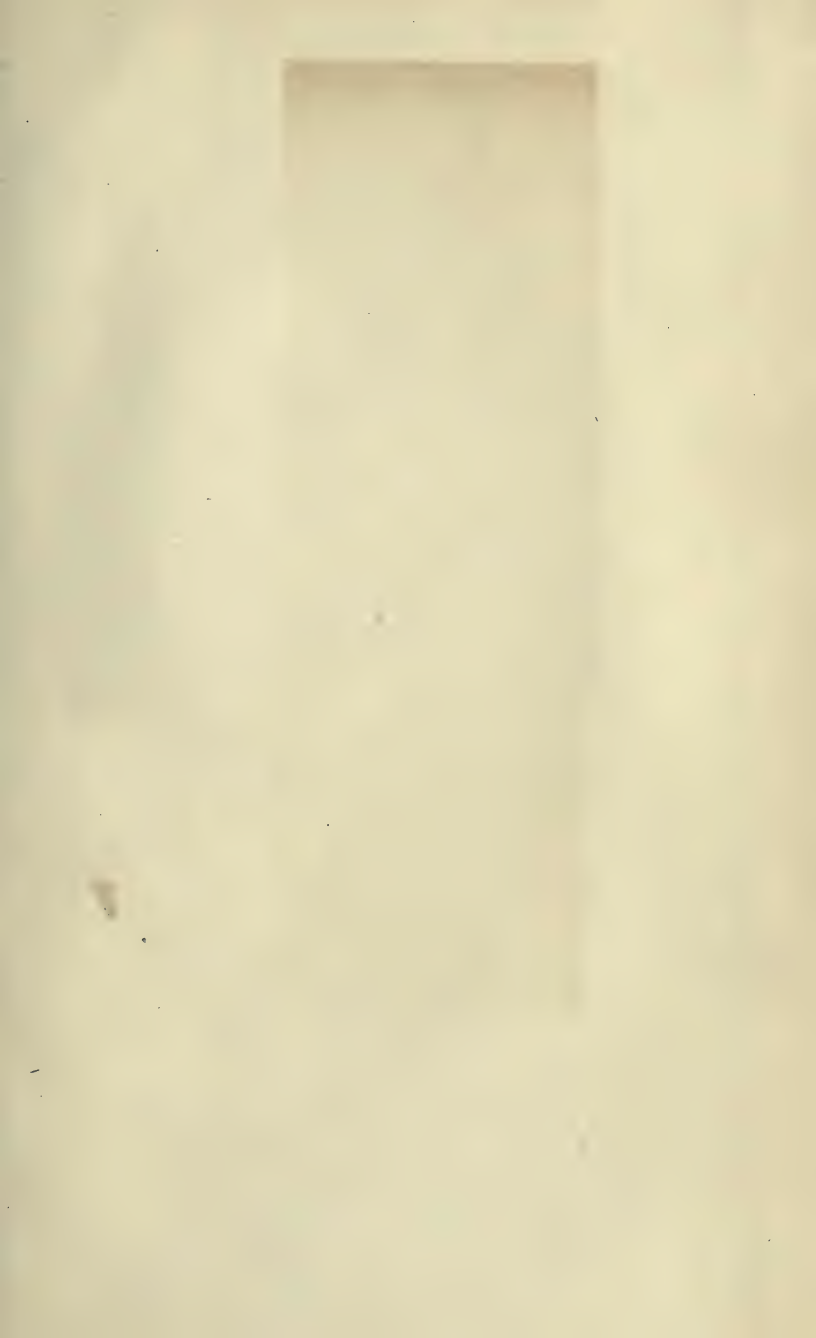


UNIVERSITY OF CALIFORNIA
LIBRARY

This is the date on which this
book was charged out.

APR 4 1912

[30m-6,'11]



**RETURN TO: CIRCULATION DEPARTMENT
198 Main Stacks**

LOAN PERIOD	1	2	3
Home Use			
	4	5	6

ALL BOOKS MAY BE RECALLED AFTER 7 DAYS.

Renewals and Recharges may be made 4 days prior to the due date.
Books may be renewed by calling 642-3405.

DUE AS STAMPED BELOW.

JAN 14 2003		
SENT ON ILL		
JUN 27 2007		
U.C. BERKELEY		

FORM NO. DD6
50M 5-02

UNIVERSITY OF CALIFORNIA, BERKELEY
Berkeley, California 94720-6000

UNIVERSITY OF CALIFORNIA LIBRARY

